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## U. S. DEPARTMENT OF AGRICULTURE,

### BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

## SERVICE AND REGULATORY ANNOUNCEMENTS.<sup>1</sup>

### SUPPLEMENT.

N. J. 3601-3650.

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3601. Adulteration of bran. U. S. v. 250 Sacks of Bran, So-Called. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5663. I. S. No. 20116-h. S. No. E-22.)

On April 6, 1914, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 sacks of so-called bran remaining unsold in the original unbroken packages at Cooperstown, N. Y., alleging that the product had been shipped on or about July 1, 1913, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "S Bran (Tag) Manufactured for Kemper Mill and Elevator Co., Kansas City, U. S. A. 100 lbs. Diamond Bran K. Guaranteed Analysis: Protein 14.50%. Carbohydrates 53.50%. Fat 4.00%. Crude fibre (not more) 10.00%. Made from Wheat."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of screenings, weed seeds, broken bits of wheat grains, chaff, dirt, and dust, and unwholesome and unfit vegetable substance.

<sup>1</sup> The Service and Regulatory Announcements of the Bureau of Chemistry are published in conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by the various branches of the department. During 1915 they will be issued as often as necessary rather than each month, as in 1914, and will be numbered consecutively, beginning with S. R. A., Chem. 13.

Notices of judgment are issued as supplements to the Service and Regulatory Announcements of the Bureau of Chemistry. Beginning with January, 1915, they will be numbered and paged independently of the Service and Regulatory Announcements, the first number being designated as S. R. A., Chem. Suppl. 1.

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and was deleterious and injurious to health,<sup>1</sup> and adulterated within the meaning of said act.

On June 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to Kirby & Root, Cooperstown, N. Y., upon payment of the costs of the proceedings and the execution of bond in the sum of \$700, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 23, 1915.*

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<sup>1</sup> While adulteration of the product was alleged in the libel, as set forth above, said product, as shown by examination made by the Bureau of Chemistry of this department, consisted of screenings composed of weed seeds, broken bits of wheat grains, and chaff. No dirt, dust, or any unwholesome and unfit vegetable substance was found, and the product was not found to have been injurious to health. When the case was reported for action it was claimed by this department that the product was adulterated in violation of section 7 of the Food and Drugs Act, paragraphs 1 and 2 under food, and misbranded in violation of section 8, first general paragraph, and paragraph 2 under food.



**3602. Adulteration of cassia fistula. U. S. v. 114 Pounds and 96 Pounds, More or Less, of Cassia Fistula. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 5664. I. S. Nos. 3081-h, 3082-h. S. No. W-3.)**

On April 6, 1914, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 114 pounds and 96 pounds, respectively, of cassia fistula remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the product had been shipped and transported from the State of New York into the State of California, the shipments arriving on or about March 16, 1914, and charging adulteration in violation of the Food and Drugs Act. The 114-pound package was labeled: (On top) "A.B.117" (On side) "127-5 1/2 Cassia Fistula—Coffin Redington Company, San Francisco, California, S. C. Java 92." The 96-pound package was labeled: "106 pounds Cassia Fistula—Coffin Redington Company—San Francisco, California—From P. and V., N. Y.—W. A. T."

Adulteration of the product was alleged in the libels for the reason that said cassia fistula differed from the standard of strength, quality, and purity as determined by the test laid down in the United States Pharmacopœia, in that said 114 pounds of the product contained about 28 per cent and the 96 pounds of the product contained about 21 per cent of worm-infested fruit, and was not composed entirely of the dried fruit of cassia fistula, but was composed in part of worms and worm excreta, which materially reduced the strength, quality, and purity of the article.

On April 21, 1914, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 23, 1915.*

3603. Misbranding of O'Neil's Pure Malt Whiskey, so called. U. S. v. 7 Cases of O'Neil's Pure Malt Whiskey. Default decree of condemnation and forfeiture. Product ordered distributed to a charitable institution. (F. & D. No. 5667. I. S. No. 1477-h. S. No. C-21.)

On April 8, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases, more or less, of so-called O'Neil's Pure Malt Whiskey, remaining unsold in the original unbroken packages, at Detroit, Mich., alleging that the product had been shipped on October 31, 1913, and transported from the State of Illinois into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act. Each bottle was labeled: "Absolutely Pure-Unadulterated-Health Giving O'Neil's Pure Malt Whiskey The Secret of Youth and Health \* \* \* the World's Best Medicine An invaluable remedy in all cases of Consumption, 'Grippe', Coughs, Colds, Dyspepsia, Bowel Trouble, Catarrh, and all Bronchial Affections. As a tonic and stimulant for invalids, convalescents and old people it has no equal. It restores lost vitality, quiets the nerves, tones up the entire system and retains the freshness and vigor of youth." (Additional label, in part, wrapped around each bottle.) "As a preventive of Catarrh, O'Neil's Pure Malt Whiskey is very successful \* \* \* It will build you up \* \* \* help to digest your food, add good, solid flesh \* \* \* specific for Malaria. \* \* \* It is a well known fact that as a preventive of the Great White Plague, O'Neil's Pure Malt Whiskey, with its wonderful restorative powers and strength building properties, ranks high as a safeguard against lung troubles \* \* \*." "It is in this great work of preventing consumption—the value of nipping it in the bud in its incipient stages—that O'Neil's Pure Malt Whiskey is making a great record \* \* \* specific for Bowel Troubles, \* \* \* It is the best household remedy not only for stomach and bowel troubles but as a safeguard against the encroachment of all ailments \* \* \* the valuable medical properties \* \* \* in many cases of Indigestion, \* \* \* Stomach Troubles, Consumption, Malaria \* \* \* and all Wasting Diseases \* \* \* For \* \* \* Lung Trouble, O'Neil's Pure Malt Whiskey has no equal \* \* \*."

It was alleged in the libel that the product was misbranded within the meaning and in violation of the act of Congress of June 30, 1906, as amended by the Sherley amendment, approved August 23, 1912, commonly known as the Food and Drugs Act, and in violation of paragraph 1 of section 8 of said act, under the classification of drugs, an examination of the samples of said product by the Bureau of Chemistry of the Department of Agriculture having revealed that it was not a medicinal substance or mixture of substances that could be relied upon for the prevention or treatment of tuberculosis, and said analysis having revealed that the product was of such composition that it was utterly inefficient of itself for the treatment of or for the prevention of tuberculosis or for the prevention of catarrh. It was further alleged in the libel that each of the bottles, by the label thereof, was labeled and printed [branded] so as to mislead and deceive the purchaser thereof, said labeling as aforesaid constituting a violation within the meaning of the act aforesaid as amended.

On September 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and the distribution of the product to a certain charitable institution in Detroit, after the obliteration of the objectionable medicinal claims on the label and the destruction of the circular accompanying the bottles, was authorized by the court.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 23, 1915.

3604. Adulteration and misbranding of whisky. U. S. v. Standard Distilling & Distributing Co. (Millcreek Distilling Co., Branch). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 5669. I. S. No. 2115-h.)

On June 30, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Standard Distilling & Distributing Co., a corporation organized under the laws of the State of West Virginia, and having an office and place of business under the name Millcreek Distilling Co., Branch, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 27, 1913, from the State of Ohio into the State of Illinois, of a quantity of whisky in bottles which was adulterated and misbranded. The product was labeled: (Label over cork) "100 Proof Aged in Wood 100 Proof Guaranteed Straight Whiskey Guaranteed to comply with the National Pure Food Law 100 Proof Guaranteed Straight Whiskey 100 Proof Full Measure." (Main label) "Old Princeton High Grade 100 Proof Whiskey Guaranteed by Millcreek Distilling Co. under the Pure Food and Drug Act, June 30, 1906. Bottled for B. J. Epstein & Co. Wholesale Liquors Danville, Ill."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100 proof, except where otherwise indicated:

Proof (degrees)-----	100.3
Solids-----	129.6
Total acids, as acetic-----	12.0
Esters, as ethyl acetate-----	8.8
Aldehydes, as acetic aldehyde-----	2.4
Furfural-----	0.2
Fusel oil, as amyl alcohol (A. & M. method)-----	28.1
Total color (degrees, $\frac{1}{2}$ -inch cell, brewer's scale, Lovibond tintometer, to 100 proof)-----	13.5
Color (per cent insoluble in amyl alcohol)-----	70.0
Qualitative Marsh test: Shows very little wood aging.	

Adulteration of the product was alleged in the information, for the reason that a substance, to wit, neutral-spirits whisky, artificially colored and not aged in the wood, had been substituted in whole or in part for the straight whisky which said article purported to be. Misbranding was alleged for the reason that the statement on the label thereof, "100 Proof Aged in Wood Guaranteed Straight Whiskey," was false and misleading in that it purported and represented the article to be a straight whisky aged in the wood, whereas, in fact, it was not a straight whisky aged in the wood, but a neutral-spirits whisky, artificially colored with caramel in imitation of straight whisky aged in the wood. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser into the belief that the same was straight whisky, aged in the wood, whereas, in fact, the same was a neutral-spirits whisky, artificially colored in imitation of straight whisky aged in the wood.

On October 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

D. F. Houston, *Secretary of Agriculture.*

WASHINGTON, D. C., March 23, 1915.

3605. Adulteration and misbranding of so-called Arabian Blend Coffee. U. S. v. Scandinavian Importing Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 5670. I. S. No. 23748-e.)

At a stated term of the District Court of the United States for the District of Massachusetts the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said district court an information against the Scandinavian Importing Co., a corporation, trading under the name of the National Coffee Co. at Boston, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 4, 1913, from the State of Massachusetts into the State of Pennsylvania, of a quantity of so-called Arabian Blend Coffee which was adulterated and misbranded. The product was labeled: (On can) "Arabian Blend Coffee. Roasted and Packed by National Coffee Co., Boston, expressly for Eureka Grocery Co., Kane, Pa. Important: The Health as well as the Comfort and Pleasure of your family depends upon your serving them with pure coffee, such as is contained in this can. This Coffee is specially selected, imported, roasted and packed for us, and we guarantee it will always produce a perfect cup of Coffee, rich in flavor and strength."

From an examination of a sample of the product by the Bureau of Chemistry of this department it appeared that the same consisted of 3 parts Bogota and 2 parts Santos. There was found no evidence of the presence of Arabian coffee in the blend, and if any Arabian coffee was used at all the quantity appeared to have been too small to have had any effect.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, a mixture of coffees other than Arabian, had been substituted in part for Arabian blend coffee, which the article purported to be. Misbranding was alleged for the reason that the statement "Arabian Blend Coffee," borne on the label, was false and misleading in that the article of food was not an Arabian blend coffee, as represented on said label, but was in fact a mixture of coffee other than Arabian; and said article was further misbranded in that the same was labeled and branded "Arabian Blend Coffee," so as to deceive and mislead the purchaser into the belief that it consisted of a mixture in whole or in part of Arabian coffees, whereas in truth and in fact it did not consist of a mixture in whole or in part of Arabian coffees, but did consist of a mixture of coffees which contained no Arabian coffee.

On October 17, 1914, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$25.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 23, 1915.



3606. Adulteration of bran. U. S. v. 150 Sacks of Wheat Bran, So-Called. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5671. I. S. No. 20122-h. S. No. E-24.)

On April 13, 1914, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 sacks of so-called wheat bran, remaining unsold in the original unbroken packages at Sidney, N. Y., alleging that the product had been shipped on or about September 8, 1913, and transported from the State of Michigan into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "100 Lbs. Wheat Bran From Pure Wheat. Analysis: Protein 14%. Fat 3½%. Crude fibre 11%. F. W. Stock and Sons, Hillsdale, Mich."

Adulteration of the product was alleged in the libel for the reason that it consisted, in whole or in part, of screenings and was deleterious and injurious to health.<sup>1</sup>

On June 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, after inquest held, and it was ordered by the court that the product should be redelivered to George L. Lyon & Son, Sidney, N. Y., upon payment of the costs of the proceeding and the execution of bond in the sum of \$250, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 23, 1915.*

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<sup>1</sup> When this case was reported for action, no claim was made by this department that the product was "deleterious and injurious to health."

3607. Misbranding of butter. U. S. v. 1 Case of Misbranded Butter. Default decree of condemnation and forfeiture. Product ordered sold or destroyed. (F. & D. No. 235-c.)

On May 29, 1914, the United States attorney for the District of Oregon, acting upon a report by the State Dairy and Food Commissioner of Oregon, authorized by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 case alleged to contain 60 pounds of butter, consisting of 20 2-pound squares and 20 1-pound squares of said butter, remaining unsold in the original unbroken packages at Roseburg, Oreg., alleging that the product had been shipped on or about January 20, 1914, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act. Some of the squares of butter were labeled: "Brookfield, 32 ounces, Full Weight." Other squares were labeled: "Brookfield, 16 ounces, Full Weight."

It was charged in the libel that the product was misbranded in that said case of butter was alleged to contain 60 pounds of said food, consisting of 20 alleged 2-pound squares marked "32 ounces, Full Weight," and 20 alleged 1-pound squares marked "16 ounces, Full Weight," whereas, in truth and in fact, said alleged 20 2-pound squares did not weigh 32 ounces, and were not full weight, and said alleged 20 1-pound squares did not contain 16 ounces, and were not full weight.

On September 14, 1914, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal "in full-weight packages or destroyed in accordance with the instructions of the Secretary of the Department of Agriculture, as is usual in such cases."

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 23, 1915.*

3608. Adulteration and misbranding of *scioppo di tamarindo* (tamarind sirup). U. S. v. The Nectar Co. Plea of guilty. Fine, \$25. (F. & D. No. 5676. I. S. No. 37168-c.)

On July 10, 1910, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Nectar Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on July 16, 1912, from the State of New York into the State of Pennsylvania, of a quantity of so-called *scioppo di tamarindo*, which was adulterated and misbranded. The product was labeled: "Scioppo Di Tamarindo (trade-mark) (picture of woman) The Nectar Co., New York."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids (per cent)-----	63.67
Reducing sugar as invert (per cent)-----	59.0
Sucrose (per cent)-----	2.15
Acidity (cc N/10 alkali per 100 grams)-----	314
Acidity, as tartaric (per cent)-----	2.35
Nonsugar solids (per cent)-----	2.52
Solids other than sugar and acid (per cent)-----	0.17
Ash (per cent)-----	0.097
Alkalinity of ash (cc N/10 acid per 100 grams)-----	15.2
Phosphoric acid (per cent)-----	0.0037
Color: Caramel.	
Color removed by fuller's earth (per cent)-----	88
Citric acid: None.	

The analysis shows the product to be an imitation tamarind sirup consisting of a sugar solution, tartaric acid, artificial color, and a very small amount of tamarind insufficient to impart the flavor of tamarind fruit.

Adulteration of the product was alleged in the information for the reason that a preparation consisting of a sugar solution, tartaric acid, and artificial coloring matter, and a small amount of tamarind product, insufficient to impart the flavor of tamarind fruit, had been substituted in part for the true tamarind sirup, possessing and deriving its flavor from the tamarind fruit, which the said article purported to be. Misbranding was alleged for the reason that the statement "*Scioppo di Tamarindo*," appearing on the label regarding the said article and the ingredients and substances therein contained, was false and misleading, in that it indicated that the said article was true sirup of tamarind, an article of food possessing the flavor of tamarind fruit, and deriving its flavor from the fruit or juice of the tamarind; whereas, in truth and in fact, the said article was not a true sirup of tamarind, an article of food possessing the flavor of tamarind fruit and deriving said flavor from the fruit or juice of the tamarind, but was in fact a sugar solution artificially colored and prepared in part from tartaric acid and a small amount of tamarind product, insufficient to impart the flavor of tamarind fruit. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "*Scioppo di Tamarindo*," thereby indicating that the said article was true sirup of tamarind, an article of food possessing the flavor of tamarind fruit and deriving its flavor from the fruit or juice of the tamarind; whereas, in truth and in fact, the said article was not a true sirup of tamarind, an article of food possessing the flavor of tamarind fruit and deriving said flavor from the fruit or juice of the tamarind,

but was in fact a sugar solution, artificially colored and prepared in part from tartaric acid, and a small amount of tamarind product, insufficient to impart the flavor of tamarind fruit. Misbranding was alleged for the further reason that the product was an imitation of tamarind sirup, being a sugar solution artificially colored and prepared in part from tartaric acid and a small amount of tamarind product, insufficient to impart the flavor of tamarind fruit, and prepared so as to simulate the appearance and flavor of true tamarind sirup, an article possessing the flavor of tamarind fruit and deriving its flavor from the fruit or juice of the tamarind.

On August 12, 1914, the defendant company withdrew its plea of not guilty previously entered and the court imposed a fine of \$25.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 23, 1915.*



3699. Adulteration and misbranding of powdered nutgall. U. S. v. James G. Shaw et al. (Thurston & Braidich). Plea of guilty. Fine, \$15. (F. & D. No. 5677. I. S. No. 37269-e.)

On December 8, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James G. Shaw, J. Edward Young, jr., and Charles R. Rosevear, copartners, trading under the firm name and style of Thurston & Braidich, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on April 8, 1912, from the State of New York into the State of California, of a quantity of powdered nutgall which was adulterated and misbranded. The product was labeled: "Powdered Nutgall 50 lbs. T & B."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that tissues of U. S. P. galls were lacking; some tissues resembling that of Myrobalans were found, but other tissues were also present. It was also disclosed that the product consisted largely, probably at least 75 per cent, of stone cells, which do not belong to nutgalls and do not come from that drug, but from some fruit stone. Some of the fruit stones were difficult to identify absolutely, but they probably were olive stones. It also appeared that the product was a fine powder, composed of not over 25 per cent nutgalls (Aleppo), the balance being nutshells, which shells were foreign matter.

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, nutgall, and it differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation, in that said article did not consist entirely of nutgalls as prescribed in said Pharmacopœia, but consisted in part of another substance; nor was the standard of strength, quality, and purity of said article plainly stated upon the box or container containing the said article. Misbranding was alleged for the reason that the statement "Powdered Nutgall," appearing on the box or container containing said article and regarding said article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was powdered nutgall, whereas, in truth and in fact, it was not powdered nutgall, but was a mixture of powdered nutgall and another substance. Misbranding was alleged for the further reason that the product was offered for sale under the name of another article, to wit, powdered nutgall, whereas, in truth and in fact, said article was not powdered nutgall, but was a mixture of powdered nutgall and another substance.

On December 14, 1914, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of \$15.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 23, 1915.

3610. Adulteration and misbranding of white buckwheat groats and German grits. U. S. v. Jacob Rosenberg et al. (J. Rosenberg & Son). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 5678. I. S. Nos. 349-e, 350-e, 1686-e.)

At the September, 1914, session of the District Court of the United States for the Eastern District of Pennsylvania, the United States attorney within and for said district, acting upon a report by the Secretary of Agriculture, filed in said court an information against Jacob Rosenberg and Myer Rosenberg, copartners, trading under the firm name of J. Rosenberg & Son, Philadelphia, Pa., alleging the shipment by said defendants, in violation of the Food and Drugs Act:

(1) On or about November 14, 1912, from the State of Pennsylvania into the State of Illinois, of a quantity of No. 2 white buckwheat groats, which was adulterated and misbranded. The product was labeled: “#2 Rosenberg & Son Manufacturers of White Buckwheat Groats, Brown Groats, German Grits a Specialty, Buckwheat Flour and Buckwheat Feed, 814-816 So. American St., Philadelphia, Pa.”

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the presence of corn therein.

Adulteration of the product was alleged in the information, for the reason that a substance other than buckwheat groats, to wit, corn, had been mixed and packed with the article, so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance other than buckwheat groats, to wit, corn, had been substituted in part for buckwheat groats, which the article purported to be. Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article and was invoiced and sold as No. 2 white buckwheat groats, whereas said article was not No. 2 buckwheat groats, but was a mixture of buckwheat and corn.

(2) On or about November 14, 1912, from the State of Pennsylvania into the State of Illinois, of a quantity of No. 16 German grits which was adulterated and misbranded. This product was labeled: “#16 Rosenberg & Son Manufacturers of White Buckwheat Groats, Brown Groats, German Grits a Specialty, Buckwheat Flour and Buckwheat Feed, 814-816 So. American St., Philadelphia, Pa.”

Analysis of a sample of this product by the said Bureau of Chemistry showed the presence of barley therein.

Adulteration of the product was alleged in the information for the reason that a substance other than German grits, to wit, barley, had been mixed and packed with the article, so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance other than German grits, to wit, barley, had been substituted in part for No. 16 German grits, which the article purported to be. Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article and was invoiced and sold as No. 16 German grits, whereas said article was not No. 16 German grits, but was a mixture of buckwheat and barley.

(3) On or about January 6, 1913, from the State of Pennsylvania into the State of New York, of a quantity of German grits which was adulterated and misbranded. This product was labeled: (On shipping bag) “1-100 lbs. German Grits. Manufactured by J. Rosenberg & Son., Philadelphia, Pa. U. S. A.” (On tag) “To Oppenheim Bros. Albany, N. Y. From J. Rosenberg & Son Millers of Buckwheat 814-16 So. American St. Philadelphia, Pa.”

Analysis of a sample of the product by the said Bureau of Chemistry showed it to consist of coarsely ground buckwheat containing more than 20 per cent of corn.

Adulteration of the product was alleged in the information for the reason that a substance other than German grits, to wit, corn, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance other than German grits, to wit, corn, had been substituted in part for German grits which the article purported to be. Misbranding was alleged for the reason that the statement "German Grits," borne on the label of the package in which the article was shipped, was false and misleading in that said article of food was not a German grits, an article consisting exclusively of buckwheat, as represented by said statement, but was in fact a mixture of corn and buckwheat; further, for the reason that the article was offered for sale under the distinctive name of another article, to wit, German grits, an article consisting exclusively of buckwheat, whereas, in truth and in fact, it was not German grits, but was a mixture of buckwheat and corn; and for the further reason that the said article was labeled and branded "German Grits" so as to deceive and mislead the purchaser thereof into the belief that it consisted exclusively of buckwheat, whereas, in truth and in fact, it did not consist exclusively of buckwheat, but did consist of a mixture of buckwheat and corn.

On December 21, 1914, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of \$100 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3611. Adulteration and misbranding of so-called old apple, old peach, and blackberry brandies.  
 U. S. v. Adam Kissner. Plea of guilty. Fine, \$30 and costs. (F. & D. No. 5679.  
 I. S. Nos. 4416-e, 4417-e, 4419-c.)

On August 17, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adam Kissner, St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 3, 1912, from the State of Missouri into the State of Illinois:

(1) Of a quantity of so-called old apple brandy, which was adulterated and misbranded. The product was labeled: "Old Apple Brandy XX Adam Kissner 1700-02 Market Street, St. Louis."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed in parts per 100,000 of 100° proof, unless otherwise noted:

Proof (degrees)-----	89.2
Solids-----	68.7
Acids, total as acetic-----	49.8
Esters, fixed as acetic-----	75.0
Aldehydes, fixed as acetic-----	60.5
Furfural-----	1.4
Fusel oil (A. & M. method)-----	31.6
Color (degrees, Lovibond, 0.5-inch cell, to 100° proof)-----	3.4
Color (per cent insoluble in amyl alcohol)-----	32.0

The product consists of about 40 per cent neutral spirits.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, neutral spirits, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a substance, to wit, neutral spirits, had been substituted in part for old apple brandy, which the article purported to be. Misbranding was alleged for the reason that the statement borne on the label thereof, to wit, "Old Apple Brandy," was false and misleading in that it purported and represented the article to be an old apple brandy, whereas, in truth and in fact, it was not an old apple brandy, but was a mixture of apple brandy and neutral spirits; and, further, in that said article was labeled and branded "Old Apple Brandy" so as to deceive and mislead the purchaser into the belief that it consisted entirely of apple brandy, whereas, in truth and in fact, it did not consist of an old apple brandy, but was a mixture of brandy and neutral spirits.

(2) Of a quantity of so-called old peach brandy, which was adulterated and misbranded. This product was labeled "Old Peach Brandy XX Adam Kissner 1700-02 Market Street, St. Louis."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results, expressed as parts per 100,000 of 100° proof, unless otherwise noted:

Proof (degrees)-----	88.7
Solids-----	71.0
Acids, total as acetic-----	10.8
Esters, fixed as acetic-----	11.9
Aldehydes, fixed as acetic-----	2.7
Furfural: Trace.	
Fusel oil (A. & M. method)-----	24.8
Color (degrees, Lovibond, 0.5-inch cell, to 100° proof)-----	2.8
Color (per cent insoluble in amyl alcohol)-----	32.0

The product consists of about 50 per cent neutral spirits



Adulteration of the product was alleged in the information for the reason that a substance, to wit, neutral spirits, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a substance, to wit, neutral spirits, had been substituted in part for old peach brandy, which the article purported to be. Misbranding was alleged for the reason that the statement borne on the label thereof, to wit, "Old Peach Brandy," was false and misleading in that it purported and represented said article to be an old peach brandy, whereas, in truth and in fact, it was not an old peach brandy, but was a mixture of peach brandy and neutral spirits; and for the further reason that the article was labeled and branded "Old Peach Brandy," so as to deceive and mislead the purchaser into the belief that it consisted entirely of peach brandy, whereas, in truth and in fact, it did not consist of an old peach brandy, but was a mixture of peach brandy and neutral spirits.

(3) Of a quantity of so-called blackberry brandy, which was adulterated and misbranded. This product was labeled: "Blackberry Brandy."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Solids by evaporation (grams per 100 cc)-----	24.59
Nonsugar solids (grams per 100 cc)-----	3.16
Reducing sugars before inversion (grams per 100 cc)-----	20.97
Polarization, direct at 22° C., normal wt. (°V.)-----	-3.4
Polarization, invert at 22° C., normal wt. (°V.)-----	-4.0
Polarization, invert at 87° C., normal wt. (°V.)-----	0.0
Sucrose, Clerget (per cent)-----	0.45
Glucose -----	0.0
Ash (grams per 100 cc)-----	0.436
Water-soluble ash (grams per 100 cc)-----	0.375
Water-insoluble ash (grams per 100 cc)-----	0.061
Alkalinity of soluble ash (cc N/10 acid per 100 cc)-----	16.8
Total P <sub>2</sub> O <sub>5</sub> (mg per 100 cc)-----	13.5
Color: Largely coal tar, Ponceau 3R.	
Ammonia test and lead subacetate test show absence of blackberry fruit.	
Alcohol (per cent by volume)-----	10.08
Methyl alcohol: None.	
Sodium benzoate: None.	
Sodium salicylate: None.	
Saccharin: None.	

Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation blackberry cordial artificially colored, had been substituted in part for blackberry brandy which the article purported to be; and, further, in that the article was an imitation blackberry cordial colored with a certain dye to simulate the appearance of genuine blackberry brandy in a manner whereby the inferiority of said article was concealed. Misbranding was alleged for the reason that the statement borne on the label thereof, to wit, "Blackberry Brandy," was false and misleading in that it purported and represented the article to be blackberry brandy, whereas, in truth and in fact, it was not blackberry brandy, but was an imitation blackberry cordial, artificially colored; and, further, in that said article was labeled and branded so as to deceive and mislead the purchaser into the belief that it consisted entirely of blackberry brandy, the bottles containing said article being labeled and branded "Blackberry Brandy," whereas, in truth and in fact, it

was not blackberry brandy, but was an imitation blackberry cordial, artificially colored; and, further, in that the article was offered for sale under the distinctive name of another article, to wit, blackberry brandy, being labeled "Blackberry Brandy," whereas, in truth and in fact, it was not blackberry brandy, but was an imitation blackberry cordial, artificially colored.

On October 8, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$30 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3612. Adulteration of tomato catsup. U. S. v. Otto Kuehne Preserving Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 5681. I. S. No. 10420-e.)

On August 19, 1914, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Otto Kuehne Preserving Co., a corporation, Topeka, Kans., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 27, 1913, from the State of Kansas into the State of Oklahoma, of a quantity of tomato catsup which was adulterated. The product was labeled: "Red Rambler Brand (picture of rose) Tomato Catsup Contains 1/10 of 1% Benzoate of Soda. Manufactured by Otto Kuehne Pres. Co. Topeka, Kans." (Reverse label) "Notice This Catsup is manufactured strictly according to the Pure Food Laws. When shipped in bulk for the purpose of repacking, the following rules should be observed to arrest fermentation and assure the keeping of the product: First—Heat the Catsup to a boiling point, in any suitable kettle or washboiler, constantly stirring same while heating. Second—Sterilize your containers, such as bottles, jugs and jars, before filling, by heating in an oven or with steam and fill them while hot. Third—Never pack Catsup cold or into unsterilized containers. We exercise the greatest care in the manufacture of all our products and observe strictest sanitary rules; therefore our goods give universal satisfaction, and they are manufactured according to the Pure Food Laws. Otto Kuehne Preserving Co., Topeka, Kansas."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results: Mold filaments present in 18 per cent of the microscopic fields; yeast and spores, about 150 per 1/60 cubic millimeter; bacteria, about 500,000,000 per cubic centimeter. And in a second sample, labeled as above: Mold filaments in about 24 per cent of the microscopic fields; yeasts and spores, about 120 per 1/60 cubic millimeter; and bacteria, about 500,000,000 per cubic centimeter. Adulteration of the product was alleged in the information for the reason that it consisted in part of decomposed vegetable matter.

On December 1, 1914, the defendant company entered its plea of guilty to the information, and the court imposed a fine of \$100 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915*

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3613. Adulteration of beans. U. S. v. 108 Bags of Beans. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5685. I. S. No. 8922-h. S. No. E-26.)

On April 14, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 108 bags of beans remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been transported from the State of Michigan into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, putrid, and decomposed vegetable substance, to wit, decomposed beans.

On June 30, 1914, the W. F. Assau Canning Co., Baltimore, Md., having filed its answer and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to the claimant if said claimant shall have paid all the costs of the proceedings, and shall have executed a good and sufficient bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that none of the beans should be sold or disposed of until they should have been carefully sorted in the presence of a duly authorized representative of the United States Department of Agriculture, and those beans which were adulterated should have been separated from those which were not adulterated. It was further ordered by the court that after the sorting process was completed such of the beans as were not adulterated in the judgment of the representative of the said department might be sold or disposed of by said claimant for human consumption, while those which were adulterated in the opinion of said official should not be sold or disposed of by said claimant for any purpose other than fertilizer, cattle, hog, or other animal food.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*



**3614. Misbranding of feed. U. S. v. 300 Bags of Feed. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5688. I. S. No. 9533-h. S. No. E-30.)**

On April 17, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 bags of feed remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about November 15, 1913, and transported from the State of Illinois into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "100 lbs. 15 to 16% Protein, 3% Fat, 12% Fibre, 45% Carbohydrates—U. S. Sugared Feed—United States Sugared Feed Co., Distributors, Milwaukee, Wis., U. S. A."

Misbranding was alleged in the libel for the reason that the product contained less protein, less fat, and more fiber than was announced upon the label.

On June 22, 1914, the Warwick Grange Cooperative Association, Wisner, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3615. Adulteration and misbranding of Croft's Swiss milk cocoa. U. S. v. 10 Cases, More or Less, of So-Called Swiss Milk Cocoa. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5689. I. S. No. 6626-h. S. No. E-97.)

On August 27, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing 12 jars of so-called Swiss milk cocoa, remaining unsold in the original unbroken packages at Bridgeton, N. J., alleging that the product had been shipped on or about February 24, 1914, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipping cases were labeled: "12 Glass Jars—25 cent Jars—Croft's Milk Cocoa—N. Allen & Son, Bridgeton, N. J." The retail packages were labeled: (On bottle) "Croft's Swiss Milk Cocoa—Manufactured under Swiss Process by Croft & Allen Co., Philadelphia, U. S. A.—Guaranteed under the Food and Drugs Act June 30, 1906, Serial Number 3373.—One half pound. Net weight." (Design, picture of Swiss dairy scene.) (On metal cap over mouth of bottle) "Croft's Milk Cocoa." (Blown in bottle) "Pat. Applied for Croft's Milk Cocoa—Croft & Allen, Philadelphia." (Pasteur on back of bottle) "Guarantee. Manufactured and Guaranteed by Croft & Allen Co., Philadelphia, Pa., under the Food and Drugs Act, June 30, 1906. Serial No. 3373. Directions \* \* \*." (On paper wrapper about bottle) "Croft's Swiss Milk Cocoa—Manufactured under Swiss Process." The labels also bore pictorial representations or designs of milkmaid and Swiss scene.

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, sugar, had been mixed and packed therewith in such a manner as to reduce and lower and injuriously affect the quality and strength of said product, which did not contain sufficient milk to entitle it to the designation of "milk cocoa"; and for the further reason that sugar had been substituted wholly or in part for milk and cocoa in said product. Misbranding was alleged for the reason that the product was an imitation of milk cocoa; that it contained sugar and was offered for sale under the distinctive name of another article than that which it really was; further, the labels on the jars containing said product were so constructed as to convey the impression that it was of foreign origin, it purporting to be a "Swiss milk cocoa," which was false and misleading; and, further, the product purported to be a "Swiss milk cocoa," but it contained an insufficient amount of milk to entitle it to that designation.

On October 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3616. Adulteration of tomato sauce. U. S. v. 22 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5691. I. S. No. 7842-h. S. No. E-23.)

On April 18, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 cases, more or less, each containing 200 cans, purporting and represented to be tomato sauce, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product had been shipped on or about March 18, 1914, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The shipping cases were marked in part: "I. I. Co., N. Y. J. Cuda, Pittsburgh, Pa." Each of the cans was branded in part: "Vesuvian—Tomato Sauce Cipolla Brand—Packed in Sanitary Cans—No Acid or Solder used—Salsa di Pomodoro—This Produce Contains Absolutely No Preservatives of Any Kind—Packed by Vesuvian Preserving Co., Vineland, N. J.—V. P. Co.—Trade Mark.—Contains 6 oz.—The Italian Importing Co., N. Y. Sole Distributors."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance unfit for food.

On June 15, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., March 12, 1915.

3617. Adulteration and misbranding of malt sprouts. U. S. v. 470 Bags \* \* \* Malt Sprouts. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5693. I. S. No. 9923-h. S. No. C-29.)

On April 21, 1914, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 470 bags, more or less, of a product purporting to be malt sprouts, remaining unsold in the original unbroken packages at Indiana Harbor, Ind., alleging that the product had been transported from the State of Ohio into the State of Indiana, the shipment arriving on or about April 18, 1914, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that substances had been substituted in part for the article "malt sprouts," and, further, in that substances had been mixed and packed with said article so as to reduce and lower and injuriously affect its quality and strength. Misbranding was alleged for the reason that the product was shipped and offered for sale as "malt sprouts," when in fact it was a mixture of malt sprouts, barley chaff, pieces of grains, stems, and weed seeds, including oats.

On June 23, 1914, the Moses Rothschild Co., Chicago, Ill., claimant, having filed its answer admitting the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant, all the costs of the proceedings having been paid by claimant, and bond in the sum of \$500 having been filed by claimant, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*



3618. Misbranding of cottonseed salad oil. U. S. v. 23 Cases of Cottonseed Salad Oil. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5695. I. S. Nos. 9539-h, 9540-h, 9541-h, 9542-h. S. No. E-32.)

On April 24, 1914, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 cases of cottonseed salad oil, remaining unsold in the original unbroken packages at Pittston, Pa., alleging that the product had been transported from the State of New York into the State of Pennsylvania, 4 cases, each containing 24 cans of the product, having been received on or about November 3, 1913, and 4 cases, each containing 12 cans of the product, having been received on the same date, 5 cases, each containing 48 cans, having been received on or about March 24, 1914, and 10 cases, each containing 12 cans of the product, having been received on or about April 1, 1914.

The four cases first mentioned were labeled in part: "Luna Brand 24 Tins Sutherland and McMillan, Pittston, Pa." Each of the 24 cans in each of said cases was labeled: "Marca Registrata, Net Contents 1/2 Gal. Olio Sopraffino Di Cotone, Marca Luna Crescente Brand—Finissimo, Extra Quality, Genuine Cottonseed Salad Oil."

It was alleged in the libel that each of said 96 cans or tins in this shipment was 12.6 per cent short measure and 11.4 per cent short weight, and the statements of the contents of said 96 cans or tins were false and misleading, and said statements and goods were in violation of section 8 of the act of Congress known as the Food and Drugs Act, first general paragraph and paragraphs 2 and 4 under foods.

The four cases next referred to were labeled in part: "Luna Brand, 12 tins Sutherland & McMillan, Pittston, Pa." Each of the 48 retail cans was labeled: "Marca Registrata, Net Contents 1 gal. Olio Sopraffino Di Cotone, Marca Luna Crescente Brand—Finissimo, Extra Quality, Genuine Cottonseed Salad Oil."

It was alleged in the libel that each of the said 48 tins or cans was 14.1 per cent short measure and 16.2 per cent short weight, and that the statements of contents on said 48 tins or cans of cottonseed salad oil were false and misleading, and said statements and goods were in violation of section 8 of the Food and Drugs Act, first general paragraph and paragraphs 2 and 4 under foods.

The five cases next mentioned were labeled in part: "48 cans Vincitore Salad Oil, Sutherland and McMillan, Pittston, Pa." Each of the 48 tins or cans in each case of this shipment was labeled in part: "Olio Di Cotone—Sopraffino Per—Insalata—Vincitore Brand, Cotton Salad Oil, Extra Quality, L. C. S. Net contents 1/4 gal."

It was alleged in the libel that each of said 240 tins or cans was 15.6 per cent short measure and 16 per cent short weight, and that the statements of contents on said 240 tins or cans of cottonseed salad oil were false and misleading, and said statements and goods were in violation of section 8 of the Food and Drugs Act, first general paragraph and paragraphs 2 and 4 under foods.

The 10 cases next referred to in the libel were labeled in part: "12 cans Vincitore Salad Oil, Sutherland & McMillan, Pittston, Pa." Each of the 120 cans or tins in this shipment was labeled in part: "Olio Di Cotone—Sopraffino Per—Insalata—Vincitore Brand, Cotton Salad Oil, Extra Quality, L. C. S. Net Contents 1 Gallon." About 50 per cent of the tins or cans contained in the cases bore a small paper sticker on the top with the inscription "105 Oz. net."

It was alleged in the libel that each of the 120 tins or cans was 13.4 per cent short of 1 gallon by measure and 14.3 per cent short of 1 gallon by weight, and that said statements of contents on the 120 tins or cans of cottonseed salad oil were false and misleading, and the said statements and goods were in violation of section 8 of the Food and Drugs Act, first general paragraph and paragraphs 2 and 4 under foods.

It was further alleged in the libel that the brands and labels and representations on the 504 tins or cans of cottonseed salad oil contained in the aforesaid 23 cases, more particularly mentioned and described in the foregoing paragraphs of the libel, were false and misleading, and designed to deceive and mislead the purchaser by purporting and representing the contents of the tins or packages to be of a certain quantity or measure, which, in truth and in fact, was not so.

On June 25, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3619. Adulteration of catsup. U. S. v. 11 Barrels of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5696. S. No. W-5.)

On April 23, 1914, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 barrels of catsup remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the product had been shipped on or about April 15, 1914, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "S. & P. S. P. Co. Seattle, Wash., Lewis Packing Co., San Francisco, Calif. Favorite Brand Catsup 1/10 of 1 per cent Benzoate of Soda, Tomatoes, Sugar, Starch, Salt, Spices, Vinegar."

It was alleged in the libel that said label and branded direction or designs were of a sufficient size to be easily read and the general appearance of said label, printed or stenciled matter, or design, gave the impression that said food product was pure and of pure vegetable character and substance, except for the presence of said mentioned quantity of benzoate of soda; that each of said mentioned representations and statements contained in said mentioned design, label or branding description, printed, attached, or written upon said 11 barrels of catsup was false, misleading, and untrue, and said food product was not pure and did not consist wholly of the substances named on said label. It was further alleged that the product was adulterated in that it consisted, in whole or in part, of filthy, decomposed, and putrid vegetable substances, and further contained harmful, poisonous,<sup>1</sup> and deleterious bacteria and spores, to wit, analysis of sample at the San Francisco laboratory showed 240,000,000 bacteria per cubic centimeter, 115 shorts [spores] and yeasts per 1/60th cubic millimeter, mold filaments present in 53 per cent of all fields examined, and that in addition the said catsup contained black rot and other debris and was unfit for consumption or use and injurious to health; that the presence of said injurious, deleterious, harmful, and poisonous ingredients or substances, above described and mentioned, was not declared or mentioned on the said label or brand; all in violation of the provisions of the act of June 30, 1906.

On August 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

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<sup>1</sup> When this case was reported for action it was not claimed by this department that the product contained poisonous ingredients and was injurious to health.

3620. Adulteration and misbranding of so-called extra fine old sherry. U. S. v. Michael F. McDonough. Plea of guilty. Fine, \$15 and costs. (F. & D. No. 5701. I. S. No. 3606-h.)

At the December, 1914, term of the District Court of the United States within and for the Eastern District of Pennsylvania the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in said District Court an information against Michael F. McDonough, trading under the firm name of M. F. McDonough & Co., Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 2, 1913, from the State of Pennsylvania into the State of New Jersey, of a quantity of so-called "Extra Fine Old Sherry," which was adulterated and misbranded. The product was labeled: "Extra Fine Old Sherry."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)-----	23.0
Solids (grams per 100 cc)-----	5.45
Nonsugar solids (grams per 100 cc)-----	2.15
Ash (grams per 100 cc)-----	0.268
Acids, as tartaric (grams per 100 cc)-----	0.423
Total tartaric acid (grams per 100 cc)-----	0.105
Cream of tartar (grams per 100 cc)-----	0.131
Sulphates as SO <sub>3</sub> (grams per 100 cc)-----	0.046

Adulteration of the product was alleged in the information for the reason that a substance, to wit, a wine of domestic manufacture, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength; and, further, in that a substance, to wit, a wine of domestic manufacture, had been substituted, in whole or in part, for extra fine old sherry, which the article purported to be. Misbranding was alleged for the reason that the statement, to wit, "Extra Fine Old Sherry," borne on the label thereof, was false and misleading, in that it purported and represented the article to be genuine sherry wine of Spanish origin, whereas, in truth and in fact, it was not a genuine sherry wine of Spanish origin, as represented by said labels, but was a mixture consisting of wine of domestic manufacture and little, if any, sherry wine. Misbranding of the article was alleged for the further reason that it was labeled and branded "Extra Fine Old Sherry," so as to deceive and mislead the purchaser into the belief that the article of food was an aged sherry wine of Spanish origin, whereas, in truth and in fact, it was not an aged sherry wine of Spanish origin, but was a mixture consisting of wine of domestic manufacture and little, if any, sherry wine.

On January 8, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.



3621. Adulteration and misbranding of Hudson's vanilla and tonka flavor. U. S. v. 1 Keg of Flavoring Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5703. I. S. No. 7860-h. S. No. E-35.)

On April 27, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 keg containing 10 gallons, more or less, purporting and represented to be vanilla and tonka flavor, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product had been transported from the State of Illinois into the State of Pennsylvania, the shipment arriving on or about April 9, 1914, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Hudson's Ice Cream Flavor Vanilla and Tonka and Imitation Vanilla Color and Flavor. Made by the Hudson Mfg. Co., Chicago, U. S. A."

Adulteration of the product was alleged in the libel for the reason that imitation vanilla and tonka flavor had been mixed and packed with the article of food so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted for it, and for the further reason that it was also artificially colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the article of food was labeled "Vanilla and Tonka Flavor and Imitation Vanilla Color and Flavor" when, in fact, said article of food consisted fully [wholly(?)] of imitation vanilla and tonka flavor, which had been artificially colored to conceal inferiority.

On May 29, 1914, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3622. Misbranding and alleged adulteration of so-called Londonderry lithia water. U. S. v. 35 Cases of So-Called Londonderry Lithia Water. Consent decree of condemnation and forfeiture. First count of libel of information dismissed. (F. & D. No. 5704. I. S. No. 1393-h. S. No. E-34.)

On April 28, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information for the seizure and condemnation of 35 cases of so-called Londonderry lithia water, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by the Londonderry Lithia Spring Water Co., Nashua, N. H., and transported from the State of New Hampshire into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the first count of the information for the reason that a substance, to wit, spring water, to which had been added sodium chlorid, sodium bicarbonate, and carbonic-acid gas, had been substituted in part for said food, to wit, for said Londonderry lithia water. Misbranding was alleged in the second and third counts of the information, for the reason that said food and the packages and labels thereof bore a statement, design, and device regarding said food and the ingredients and substances contained therein—that is to say, the words “Londonderry Water, Sparkling Londonderry Lithia Spring Water Co., Londonderry Lithia”—which said statement, design, and device was false and misleading in that it would lead a purchaser to believe that said food was a lithia water, whereas, in truth and in fact, it was not a lithia water. Misbranding was alleged for the further reason that said food, and the packages and labels thereof, bore a statement, design, and device regarding said food and the ingredients and substances contained therein, that is to say, the words “Londonderry Water, Sparkling Londonderry Lithia Spring Water Co., Londonderry Lithia,” which said statement, design, and device was false and misleading in that said food was then and there an imitation of and offered for sale under the distinctive name of another article, to wit, lithia water, whereas, in truth and in fact, said food was not a lithia water.

On October 19, 1914, an agreement was entered into between counsel for the Government and claimant, substantially as follows:

Whereas the claimant in the above-entitled cause has admitted the allegations of the second and third counts of said information, and has agreed not to sell or offer for sale hereafter said water by using on the labels thereof the word “Lithia”;

And whereas said claimant has consented to a condemnation of said water now under seizure, and has given bond to pay the costs of this proceeding;

And whereas said claimant has agreed hereafter to use suitable language in conformity with law on its “sparkling” brand of water to indicate that carbon dioxide gas, salt, and soda have been added thereto in the course of manufacture:

Now, therefore, it is hereby agreed by and between said parties in said cause of action that the first count of said information shall be dismissed without further prosecution.

On October 28, 1914, the case having come on for final hearing, and it appearing that 20 cases of the product had been destroyed under an order of the court upon petition of claimant, and that the claimant had confessed judgment on the second and third counts of the information, it was ordered, adjudged, and decreed that the remaining case, of the 21 cases of the product seized, be forfeited and condemned and disposed of by the marshal in a manner not contrary to law. It was further ordered by the court that the first count of the information should be dismissed in accordance with the agreement of the parties referred to above.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.

3623. Misbranding of poultry meat. U. S. v. The Berg Co. Plea of guilty. Fine, \$25. (F. & D. No. 5706. I. S. No. 9109-e.)

On August 13, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Berg Co., a corporation of Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 14, 1913, from the State of Pennsylvania into the State of Maryland, of a quantity of poultry meat which was misbranded. The product was labeled: (On bag) "100 Lbs. 3 Medal Poultry Meat—Analysis—Protein 50 to 55%; Fat 13 to 15%; Fibre 1 to 3%; Manufactured by The Berg Company, Philadelphia, Pa., U. S. A." (On tag) "To order The Berg Company, Ney Meyer Stisser Co., 32 Light Street, Baltimore, Md., Via Ericsson Line." (Reverse side of tag) "Ney Meyer Stisser Co., Via Ericsson Line."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)-----	6.07
Ether extract (per cent)-----	11.26
Protein (per cent)-----	46.31
Crude fiber (per cent)-----	3.08

Misbranding of the product was alleged in the information for the reason that the statement "Protein 50 to 55%; Fat 13 to 15%," borne on the label of the article, was false and misleading in that said article did not contain 50 to 55 per cent of protein and did not contain 13 to 15 per cent of fat, as represented, but contained a less amount of protein and fat, to wit, protein 46.31 per cent, fat 11.26 per cent. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser thereof into the belief that it contained 50 to 55 per cent protein and 13 to 15 per cent fat, whereas, in fact, it contained a less amount of said ingredients, to wit, 46.31 per cent of protein and 11.26 per cent of fat.

On September 25, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.

3624. Adulteration and misbranding of tomato conserve. U. S. v. 10 Cases, More or Less, of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5707. I. S. No. 7827-h. S. No. E-37.)

On April 29, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing 100 cans, more or less, of a product purporting and represented to be tomato conserve, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product had been transported from the State of New York into the State of Pennsylvania, the shipment arriving on or about February 9, 1914, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled in part: "I. G." The cans were labeled in part: "Conserva Di Tomate Packed By Our Special Process Rossa Guaranteed by American Conserve Co. Under The Food and Drugs Act June 30, 1906, Serial No. 9270. Tomato Conserve American Conserve Co. New York. Containing 1/10 of 1% of benzoate of soda and 15% of salt. This can contains 15 oz. net weight. Directions: For One Pound of Macaroni Use One Teaspoonful Dissolved in Water. Add the Same Quantity for Each Pound of Macaroni. The Same is Used for Roast Meats, Stews, etc., etc. It Flavors the Meat and Gives a Nice Coloring." Directions also in Italian.

Adulteration of the product was alleged in the libel for the reason that it was composed in whole or in part of a filthy, decomposed, or putrid substance. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser; that is to say, was labeled and branded, "This can contains 15 oz. net weight," when, in truth and in fact, the cans did not contain this amount.

On October 16, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.



**3625. Adulteration and misbranding of so-called preserved Goshen butter. U. S. v. 50 Cases of Preserved Goshen Butter. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 5708, 5709, 5710, 5711. I. S. No. 8706-h. S. No. E-36.)**

On May 4, 1914, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of so-called Goshen butter remaining unsold in the original unbroken packages, 25 of said cases, consisting of 500 cans of 5 pounds each, and 5 cases, consisting of 100 cans of 5 pounds each, at San Juan, Porto Rico; 5 of said cases, consisting of 100 cans of 5 pounds each, at Bayamon, Porto Rico, and 10 of said cases, consisting of 200 cans of 5 pounds each, and 5 cases, consisting of 100 cans of 5 pounds each, at Aguadilla, Porto Rico, alleging that the product had been shipped on or about April 4, 1914, by V. Lopez & Co., of New York, N. Y., and transported from the State of New York into the island of Porto Rico, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Average net weight five pounds Preserved Goshen Butter V. Lopez & Co. New York, U. S. Marca Vaca (design of a cow being milked)." (On side of said label, and printed on the tin in small type) "This butter is preserved by the addition of corn syrup and salt brine."

It was alleged in the libel that the said butter contained an added deleterious ingredient, to wit, boric acid, which might render said alleged butter injurious to health, in violation of section 7 of the Food and Drugs Act of June 30, 1906, paragraph 5, under food. It was further alleged in the libel that the goods, being labeled in prominent type "Preserved Goshen Butter" and bearing a pictorial representation of a cow, which inscription and representation were false and misleading in view of the fact that the product was a compound, this misleading impression not being corrected by the supplemental statement "This butter is preserved by the addition of corn syrup and salt brine," the labels being false and misleading, were, therefore, misbranded in violation of section 8, same act, first general paragraph and paragraphs 1 and 2, under food. It was further alleged that the article was misbranded and mislabeled as aforesaid so as to mislead and deceive the purchaser or purchasers thereof, in that the package, container, and label on the article bore a statement regarding the article and the ingredients and substances contained therein which was false and misleading, that is to say, the said label on the cans was so arranged as to lead the public to believe that said cans contained pure butter, and the said statements on said packages and containers were so arranged as to cause the purchaser or purchasers thereof to believe that the article consisted of pure butter, whereas in fact the contents thereof were not pure butter, but were a compound of butter, corn sirup, and salt brine, and preserved by the use of boric acid.

On June 1, 1914, Albert F. Lopez and Aimee C. Lopez, copartners, doing business under the firm name and style of V. Lopez & Company, New York, N. Y., claimants, having filed their answer admitting all of the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and execution of a good and sufficient bond in the sum of \$1,170, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.

3626. Adulteration and misbranding of vinegar. U. S. v. A. Braun Mfg. Co. Plea of guilty. Fine, \$40 and costs. (F. & D. No. 5712. I. S. No. 4423-e.)

On July 29, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the A. Braun Mfg. Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 18, 1912, from the State of Missouri into the State of Illinois, of a quantity of vinegar which was adulterated and misbranded. The product was labeled: (On barrel) "Manufactured for Henry Borgsmiller Water Mill Brand Murphysboro, Ill. 48 Sugar Vinegar St. Louis, Mo."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed in grams per 100 cc unless otherwise noted:

Glycerin-----	0.02
Solids-----	0.82
Nonsugar solids-----	0.62
Reducing sugar after evaporation-----	0.20
Ash-----	0.22
Total acid-----	3.99
Lead precipitate: Very light.	
Color (degrees, brewer's scale, 0.5-inch cell)-----	10

Adulteration of the product was alleged in the information for the reason that another substance, to wit, distilled vinegar or dilute acetic acid, had been substituted wholly or in part for sugar vinegar, which the article purported to be. Misbranding was alleged for the reason that the statement "sugar vinegar," borne on the label of the article, was false and misleading, in that the article of food was not sugar vinegar, but was a substance consisting in whole or in part of distilled vinegar or dilute acetic acid. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof into the belief that it was sugar vinegar, whereas in fact said article was not sugar vinegar, but was a substance consisting in whole or in part of distilled vinegar or dilute acetic acid.

On November 17, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$40 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3627. Misbranding of water. U. S. v. 20 Cases, More or Less, of Water. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5714. I. S. No. 22151-h. S. No. E-38.)

On May 8, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cases, each containing one dozen bottles of water, remaining unsold in the original unbroken packages at Atlantic City, N. J., alleging that the product had been shipped on or about March 31 and April 7, 1914, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act as amended. The shipping cases were labeled: "Mountain Valley Spring Water of Arkansas—World's best water for kidney and bladder troubles—Office 247 West 36th St., New York City." (Sides) "1 Doz.  $\frac{1}{2}$  gals." (One end) "Abe Freeman, 1532 Atlantic Ave., Atlantic City, N. J."

The retail packages were labeled: "Is Radio-Active Mountain Valley Water." (Shoulder Label) (Picture of Building) "64 fl. oz. net. Mountain Valley Water—From Hot Springs, Ark.—The Army and Navy Hospital of Hot Springs, Ark., uses the Mountain Valley Water to the exclusion of all others in the treatment of kidney diseases—Unsurpassed for Table Use. A Remedy for Bright's Disease, Diabetes, Cystitis and Rheumatism. Mountain Valley Water Co., of New York, Distributors, 247 West 36th St., New York, N. Y."

Misbranding of the product was alleged in the libel for the reason that the statements on the labels, "Radio-Active," and that the product was "A remedy for Bright's Disease, Diabetes, Cystitis, and Rheumatism," were false, fraudulent, and misleading, and for the further reason that the product, to wit, the said water, was not radio-active, and was not a remedy for Bright's disease, diabetes, cystitis, and rheumatism.

On September 4, 1914, the Mountain Valley Water Co., New York, N. Y., claimant, having filed its answer admitting the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimant, which had paid the costs of the proceedings and executed a bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.

3628. Adulteration of catsup. U. S. v. 3 Barrels of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5719. I. S. No. 9725-h. S. No. W-7.)

On May 8, 1914, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of tomato catsup, remaining unsold in the original unbroken packages at Tacoma, Wash., alleging that the product had been shipped on or about May 2, 1914, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Lewis Packing Company, San Francisco, Red Rose Brand Catsup—1/10 of 1% Benzoate of Soda, Tomatoes, Sugar, Glucose, Salt, Spices, Vinegar—O. R. Redlick, Tacoma, Washington."

It was alleged in the libel that said label and branded direction or design was of a sufficient size to be easily read and the general appearance of said label, printed or stenciled matter, or design, gave the impression and was designed to give the impression that said food product was pure and of pure vegetable character and substance except for the presence of the said mentioned quantity of benzoate of soda; that each of said mentioned representations and statements contained in said design, label, or branding description, printed, attached, or written upon said 3 barrels of catsup, as aforesaid, was false, misleading, and untrue and said product was not pure and did not consist wholly of the substances named on the said label. It was further alleged in the libel that the product was adulterated in that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances and further contained harmful, poisonous, and deleterious bacteria and spores, and that said 3 barrels of catsup were moldy and unfit for consumption or use, and injurious to health<sup>1</sup>; that the presence of said injurious, deleterious, harmful, and poisonous ingredients or substances, above described and mentioned, contained in the 3 barrels of tomato catsup, was not declared or mentioned on said label or brand, all in violation of the provisions of the act of [June] July 30, 1906, aforesaid.

On September 14, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

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<sup>1</sup> When this case was reported for action no claim was made by this department that the product was "injurious to health," etc.



**3629. Adulteration and misbranding of vinegar. U. S. v. 50 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5723. I. S. No. 7274-h. S. No. C-36.)**

On May 15, 1914, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 barrels of vinegar, remaining unsold in the original unbroken packages at Owatonna, Minn., alleging that the product had been shipped on or about March 10, 1914, by the Avis Cider & Vinegar Co., St. Louis, Mo., and transported from the State of Missouri into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (One end of barrel) "Western Grocer Co. Distributors. Cameo Brand Apple Cider Vinegar—Reduced with water to legal strength Albert Lea, Minn." (Other end of barrel) "Guaranteed 45 grain. The Avis Cider & Vinegar Co., St. Louis, Mo.—45 Grain—Guaranteed by the Avis Cider & Vinegar Co. under the Food and Drugs Act, June 30, 1906, Serial No. 38632."

Adulteration of the product was alleged in the libel for the reason that substances had been mixed with said vinegar so as to reduce and lower its quality and strength, and, further, that substances had been substituted in part for said article, to wit, vinegar, in that a dilute solution of acetic acid or distilled vinegar had been mixed and substituted with [for] and in said vinegar in violation of paragraphs 1 and 2 of section 7 of said Food and Drugs Act. Misbranding of the product was alleged for the reason that said vinegar was in [an] imitation of and offered for sale under the distinctive name of another article, to wit, cider vinegar, and was labeled and branded, as aforesaid, so as to deceive and mislead the purchaser thereof in that it was a product artificially prepared, mixed, and compounded so as to resemble and purport to be a genuine food article, to wit, cider vinegar, but added to and intermixed therein was a dilute solution of acetic acid or distilled vinegar.

On July 24, 1914, the said Avis Cider & Vinegar Co., St. Louis, Mo., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant corporation upon payment of all the costs of the proceedings and the execution of bond in the sum of \$300, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3630. Adulteration and misbranding of vinegar. U. S. v. 80 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5725. I. S. Nos. 7271-h, 7272-h. S. No. C-34.)

On May 15, 1914, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 barrels of vinegar remaining unsold in the original unbroken packages in the city of Albert Lea, Minn., alleging that the product had been shipped on or about December 30, 1913, by the Avis Cider & Vinegar Co., St. Louis, Mo., and transported from the State of Missouri into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. Thirty barrels were labeled: "Western Grocer Co., Distributors—Wild Rose Brand Apple Cider Vinegar—Reduced with water to legal strength Albert Lea, Minn.—Guaranteed 40% acetic strength. The Avis Cider & Vinegar Co., St. Louis, Mo. Guaranteed by the Avis Cider & Vinegar Co. Under the Food and Drugs Act, June 30, 1906, U. S. Serial No. 38632." Fifty barrels were labeled: "Western Grocer Co., Distributors—Cameo Brand Apple Cider Vinegar—Reduced with water to legal strength Albert Lea, Minn. Guaranteed 45 grain. The Avis Cider & Vinegar Co., St. Louis, Mo. Guaranteed by the Avis Cider & Vinegar Co. under the Food and Drugs Act June 30, 1906, Serial No. 38632."

Adulteration of the product was alleged in the libel for the reason that substances had been mixed with said vinegar so as to reduce and lower its quality and strength, and, further, that substances had been substituted in part for the article, to wit, vinegar, in that a dilute solution of acetic acid or distilled vinegar had been mixed and substituted with [for] and in said vinegar, in violation of paragraphs 1 and 2 of section 7 of said act. Misbranding was alleged for the reason that the vinegar was an imitation of and offered for sale under the distinctive name of another article, to wit, cider vinegar, and was labeled and branded, as aforesaid, so as to mislead and deceive the purchaser thereof, in that it was a product artificially prepared, mixed, and compounded so as to resemble and purport to be a genuine food article, to wit, cider vinegar, but added to and intermixed therein was a dilute solution of acetic acid or distilled vinegar.

On July 24, 1914, the said Avis Cider & Vinegar Co., St. Louis, Mo., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be delivered to said claimant corporation upon payment of the costs of the proceeding and the execution of bond in the sum of \$1,200, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3631. Adulteration and misbranding of malt sprouts. U. S. v. 55,100 Pounds, More or Less, of Malt Sprouts. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5726. I. S. No. 7869-h. S. No. E-40.)

On May 13, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 55,100 pounds, more or less, of a product purporting and represented to be malt sprouts, remaining unsold in the original unbroken package at Pittsburgh, Pa., alleging that the product was transported from the State of Indiana into the State of Pennsylvania, the shipment arriving on or about April 25, 1914, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted of total sprouts 65.4 per cent; barley, chaff, pieces of grains, etc., 27.7 per cent; and weed seeds, including oats, 6.9 per cent, the said barley, chaff, weed seeds, oats, etc., having been mixed and packed with and substituted for malt sprouts in such a manner as to reduce, lower, or injuriously affect the quality or strength of the goods. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser; that is to say, it was sold as "malt sprouts," when in fact said goods consisted of a mixture containing barley, chaff, weed seeds, oats, etc.

On May 23, 1914, Dwight E. Hamlin, Pittsburgh, Pa., claimant, having filed his answer consenting to a decree, judgment of condemnation and forfeiture was entered, and it appearing to the court that the costs had been paid and a good and sufficient bond in conformity with section 10 of the act had been executed, it was ordered that the product should be delivered to said claimant upon the rebranding of the same to comply with the Food and Drugs Act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3632. Adulteration of canned sugar corn. U. S. v. 146 Cases, More or Less, of Sugar Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5727. I. S. No. 9621-h. S. No. C-37.)

On May 13, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 146 cases of sugar corn, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on January 14, 1914, and transported in interstate commerce from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy vegetable substance; for the further reason that it consisted wholly of a filthy vegetable substance; for the further reason that it consisted in part of a decomposed vegetable substance; for the further reason that it consisted wholly of a decomposed vegetable substance; for the further reason that it consisted in part of a putrid vegetable substance; and for the final reason that it consisted wholly of a putrid vegetable substance.

On September 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*



3633. Adulteration and misbranding of so-called rum and cognac. U. S. v. 1 Case of \* \* \* Rum; U. S. v. 5 Cases of \* \* \* Cognac. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5731. I. S. Nos. 901-k, 1605-k. S. No. E-114.)

On September 26, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1 case containing an article purporting to be rum, and 5 cases containing a product purporting to be cognac, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by A. Blum Jr.'s Sons, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of both products was alleged in the libels because substances, to wit, neutral spirits, had been mixed and packed with said foods in such a manner as to reduce, lower, and injuriously affect their quality and strength. Misbranding of the rum was alleged for the reason that said food, upon the packages and labels thereof, bore a certain statement, design, and device regarding the ingredients and substances contained in said food, that is to say, "Burke's Fine Old Jamaica Rum. G. Eustace Burke & Bro., Ltd., Kingston, Jamaica, and Saint Croix," which statement, design, and device was false and misleading, because it would lead the purchaser to believe that said food was a Jamaica rum, whereas in truth and in fact it was not a Jamaica rum. Misbranding was alleged for the further reason that it was labeled and branded with the words, "Burke's Fine Old Jamaica Rum. G. Eustace Burke & Bro., Ltd., Kingston, Jamaica, and Saint Croix," so as to deceive and mislead the purchaser to believe that said food was a foreign product, when in fact it was not. Misbranding of the so-called cognac was alleged for the reason that said food, upon said packages and labels thereof, bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the following words, "Louis Bechade, Cognac," and three stars prominently displayed thereon, "Louis Bechade, Cognac. The Produce of France," which statements, designs, and devices were false and misleading, because they would lead the purchaser to believe that said food consisted of cognac and was the product of a foreign country, whereas in truth and in fact said food was not cognac and was not the product of a foreign country.

On December 21, 1914, the said A. Blum Jr.'s Sons, claimant, having admitted that the allegations of the libels were true, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*



3634. Adulteration of crushed pineapple. U. S. v. 10 Cases and 11 Cases of Crushed Pineapple. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 5732. I. S. No. 20304-h. S. No. E-42.)

On May 19 and 20, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 cases and 11 cases of crushed pineapple remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On July 20, 1914, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3635. Adulteration and misbranding of "syrup of tamarindo" (tamarind sirup). U. S. v. S. Hirsch Distilling Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 5733, I. S. No. 12488-d.)

On October 3, 1914, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the S. Hirsch Distilling Co., a corporation, Kansas City, Mo., doing business under the name of the Minuet Cordial Co., and using said name, Minuet Cordial Co., as a trade name, alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 11, 1911, from the State of Missouri into the then Territory, now State, of New Mexico, of a quantity of so-called "syrup of tamarindo," which was adulterated and misbranded. The product was labeled: "Syrup of Tamarindo artificially colored Guaranteed by us under Food and Drugs Act June 30th, 1906. Serial No. 5897 A."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids by refractometer (per cent)-----	65. 57
Reducing sugars before inversion (per cent)-----	62. 70
Sucrose by copper (per cent)-----	1. 33
Non-sugar solids (per cent)-----	1. 54
Acidity as citric (per cent)-----	1. 09
Citric acid: Positive.	
Tartaric acid: None.	
Solids other than sugar and acid (per cent)-----	0. 45
Phosphoric acid ( $P_2O_5$ ) (per cent)-----	0. 0028
Ash (per cent)-----	0. 071
Alkalinity of ash (cc N/10 acid per 100 grams)-----	12. 7
Color: Caramel.	
Color (degrees, brewer's scale, 0.5-inch cell)-----	336

Adulteration of the product was alleged in the information for the reason that an imitation tamarind sirup, the flavor of which had been made to simulate the acid flavor of tamarind by the use of citric acid not found in this fruit, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, and, further, in that another substance, to wit, an imitation tamarind sirup, the flavor of which had been made to simulate the acid flavor of tamarind by the use of citric acid not found in this fruit, was substituted wholly or in part for genuine tamarind sirup, which the article purported to be, and, further, in that said article was colored with caramel in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement, to wit, "Syrup of Tamarindo," borne on the label thereof, was false and misleading in that it purported and represented said article to be a genuine sirup of tamarind, whereas, in truth and in fact, it was an imitation tamarind sirup, the flavor of which had been made to simulate the acid flavor of tamarind by the use of citric acid not found in this fruit. Misbranding was alleged for the further reason that the product was offered for sale and sold under the distinctive name of another article, to wit, "Syrup of Tamarindo," whereas, in truth and in fact, it was not a genuine sirup of tamarind, but was an imitation tamarind sirup, the flavor of which had been made to simulate the acid flavor of tamarind by the use of citric acid not found in this fruit, and the article was further misbranded for the reason that the statement "Syrup of Tamarindo," borne on the label thereof, was calculated to deceive and mislead the purchaser into the belief that said

article was a genuine sirup of tamarind, whereas, in truth and in fact, it was not a genuine sirup of tamarind, but was an imitation tamarind sirup, the flavor of which had been made to simulate the acid flavor of tamarind by the use of citric acid not found in this fruit.

On November 12, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50 and costs.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *March 12, 1915.*

3636. Misbranding of macaroni. U. S. v. 15 Cases of Macaroni. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5734. I. S. No. 21527-h. S. No. E-41.)

On May 23, 1914, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of macaroni, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the product had been shipped on or about March 6, 1913, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Economia Purezza Igiene Gragnano Style—Macaroni Factory Pastificio Elettrico Moderno."

Misbranding of the product was alleged in the libel for the reason that the labels upon the outside covers of said 15 cases of macaroni bore certain statements, designs, and devices regarding said macaroni which were false and misleading, that is to say, said labels bore, in addition to the words on the ends thereof, pictorial representations of a modern factory building, messenger on bicycle carrying a box of spaghetti, a body of water, smoke, a volcano, and on two sides said cases were labeled, "Irraggiungibile extra fine quality spaghetti," and on the top were labeled, "Preferite la pasta marca irraggiungibile gragnano style economia purezza igiene"; the use of the word "macaroni" on the label without qualification being false and misleading in that when so used it is understood by the trade and public generally to mean macaroni without artificial coloring, whereas, in truth and in fact, the macaroni contained in said cases was colored with an artificial coal-tar dye in such a manner as to simulate the appearance of a high-grade macaroni; the use of the words "economia purezza igiene" on said labels, meaning thereby "inexpensive, pure, and hygienic," being false and misleading in that the macaroni contained in said cases was produced in New York City in a most unsanitary establishment, among filthy surroundings, and by workmen who were unclean in person and dress, and the labels being further false and misleading in that they bore no indication that the macaroni was manufactured in New York City, and the inscriptions and general construction were intended to be of such a character as to induce the purchaser to believe that the macaroni was of foreign origin, when, in truth and in fact, it was not so.

On September 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*



3637. Misbranding of Dr. Mozley's lemon elixir. U. S. v. 6 Cases of a Product Labeled "Dr. Mozley's Lemon Elixir" \* \* \*. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5736. I. S. No. 22404-h. S. No. E-43.)

On May 27, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases of a product labeled "Dr. Mozley's Lemon Elixir," remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been transported from the State of Georgia into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act. The shipping cases were labeled: "2 Doz. Small Lemon Elixir Prescription of H. Mozley, M. D. Guaranteed under The Pure Food & Drug Act June 30, 1906. No. 2164. Mozley Lemon Elixir Co. Atlanta, Ga." (Shipping directions on top with brush) "Howard Drug & Med. Co., Baltimore, Md." (With crayon) "Valdosta Drug Co., Valdosta, Ga." The retail packages were labeled: "In 1872 Dr. Mozley put on the market this preparation, which he had successfully used for many years in his professional practice. None genuine without the name and picture of H. Mozley, M. D., on front label. Any imitation of this label, or the name of this preparation will be prosecuted to the full extent of the law. Dr. H. Mozley's Lemon Elixir and Herb Compound The Ideal Laxative Regulates the Liver, Stomach and Bowels. Contains 15 Per Cent Alcohol. A Substitute for all Cathartic and Liver Pills, Castor Oil and All Cathartic and Liver Medicines. For the cure of Diseases caused from a diseased Liver, Kidneys and Constipation, such as Chills, Fever, and Headache, Dizziness, Biliousness, Bad Breath, Sour Stomach, Indigestion, Pains in Back, Side, or Limbs, Bad Colds, &c. It Purifies the Blood. It does not make you sick while acting. No restriction of diet or habits required while taking the Elixir. It acts directly upon the Liver and Bowels, Stomach and Kidneys, at the same time gives strength and vigor to the whole system. Full directions on other side. Price, 50 cents. Prepared by Mozley Lemon Elixir Co., Atlanta, Ga., from the Original Prescription of H. Mozley, M. D. Guaranteed under the food and drugs act, June 30, 1906, No. 2164.

"Directions for Using. For Adults.—Dose One to Two Tablespoonfuls. For Children.—Two Months to One Year Old.—One half to One Teaspoonful.

"The Elixir should be taken in all cases where you feel first symptoms of approaching disease. No danger in taking the Lemon Elixir or acquiring a habit that will require its continued use, as it does not irritate or debilitate the bowels. The Elixir is a strengthening, invigorating tonic, acting directly on the liver, stomach, kidneys, bowels and blood, leaving them in an active, vigorous condition, instead of weakening and debilitating them, as all pills, and in fact, all other liver and cathartic medicines do, by their too powerful action. A natural easy action once or twice daily is all we want, and keep it up until health is restored.

"Repeat the dose of Elixir before each meal until it acts freely on the bowels 2 or 3 times. In all cases of Neuralgia, Chills and Fever, Aching Limbs, Pains in the Back or Sides, and all Bilious attacks take the Elixir in medium doses two or three times daily before meals, as you find it necessary to keeping the bowels and liver regulated, acting at least twice each day freely. At the same time, take two grains of Quinine three times a day until relieved.

"As a Substitute for Liver and Cathartic Pills.

"In all cases of Constipation, Headache, Colds, Liver Complaints, &c., take a medium dose at bedtime and before breakfast. Be controlled by the effect, as all you want is to regulate the bowels and liver naturally. Reduce or increase the dose to secure this effect.

"Use the same in all cases of Indigestion, Offensive Breath, Flatulence or Belching, Swollen Stomach or Bowels, dull heavy feeling after meals, Nervousness, Want of Sleep at Night, Impure Blood, Scrofula, Scurvy, Pimples, Bad Taste in the Mouth, Sallow Complexion, Coated Tongue, Failing Appetite, Jaundice, Debility, Night Sweats, Copper Blotches on the Face and Neck, Kidney Diseases, High Color of the Urine, etc.

"Children take the Elixir without danger. Dose for a child two months to one year old, one half to one teaspoonful. Dose of Quinine for a child two months to one year old one-fourth to one-half grain. Increase the Elixir and Quinine according to age.

"Ladies, for all female irregularities, will find Lemon Elixir a pleasant and thoroughly reliable remedy, without the least danger of possible harm to them in any condition peculiar to themselves.

"Lemon Elixir will not fail you in any of the above named diseases, all of which arise from a torpid or diseased liver, stomach or kidneys."

Misbranding of the product was alleged in the libel for the reason that the claims in the label of said product of the medicinal value and therapeutic effects were misleading, false, and fraudulent.

On September 18, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3638. Adulteration of sauerkraut. U. S. v. 1,000 Cases and 1,000 Cases of Sauerkraut. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 5741. I. S. No. 20213-h. S. No. C-40.)

On June 4 and July 8, 1914, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,000 cases and 1,000 cases, respectively, of sauerkraut, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the product had been shipped on or about May 1, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The shipping cases were labeled: "Gilco Brand Sauer Kraut. Contents guaranteed to comply with the Pure Food Laws. Net contents 1 pound 12 ounces. A. E. Coddington, Distributor, Indianapolis, Ind." The cans in the cases were labeled: "Gilco Brand Sauer Kraut. Contents guaranteed to comply with the Pure Food Laws. Net contents 1 pound 12 ounces. A. E. Coddington, Distributor, Indianapolis, Ind."

Adulteration of the product was alleged in the libels for the reason that the cans contained and were filled with a vegetable substance which consisted in whole or in part of a filthy, decomposed, putrid vegetable substance, and the contents of said cans, and each of them, were decomposed and unfit for food.

On July 10, 1914, and during the month of September, 1914, no claimant having appeared for the property libeled in either libel, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product that had been seized should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

**3639. Adulteration of beans. U. S. v. 25 Cases, More or Less, of Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5743. I. S. No. 9440-h. S. No. E-45.)**

On June 3, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing two dozen cans, of a product purporting to be beans, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about April 12, 1914, and transported from the State of Maryland into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "2 doz. No. 3 big T Brand Beans in Sauce—Packed by S. J. E. Todd and Bro., Baltimore, Md. Wilkinson, Gaddis Co., Newark, N. J. 4-14-14 553349." Each of the cans was labeled: "Big T Brand (design plate of beans) Beans in Sauce—Big T Brand—Contents 1 lb. 14 oz.—Packed by Samuel J. E. Todd and Bro., Baltimore, Md."

It was alleged in the libel that the beans were adulterated within the meaning of the Food and Drugs Act, in that they were mixed [with sauce] in a manner whereby damage and inferiority were concealed, and, further, that they consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On July 1, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*



3640. Adulteration of tomato pulp. U. S. v. 50 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5744. I. S. No. 22417-h. S. No. E-47.)

On June 5, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about May 27, 1914, and transported from the State of Maryland into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. Each of the cans was labeled: "Asquith Brand Tomato Pulp Made from Tomatoes and Fresh Tomato Trimmings With Great Care. Contents weigh 10 oz. Asquith Brand Packed by Andrews Packing Co., Crapo, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance, to wit, [filthy, decomposed, and putrid] tomatoes.

On July 1, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

2641. Adulteration and misbranding of so-called "Thoroughbred" feed. U. S. v. 275 Bags of Thoroughbred Feed \* \* \*. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5745. I. S. No. 8618-h. S. No. E-48.)

On June 8, 1914, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 275 bags of so-called "Thoroughbred" feed, remaining unsold in the original unbroken packages at Griffin, Ga., alleging that the product had been shipped on or about April 6, 1914, by the Lexington Roller Mills Co., Lexington, Ky., and transported from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Thoroughbred Feed. Made by Lexington Roller Mills Co., Lexington, Ky. Maximum fiber 7.09, maximum protein 15.75, carbohydrates 63.62, minimum fat 3.83. Made from wheat middlings and wheat bran."

Adulteration of the product was alleged in the libel for the reason that it contained at least 3.77 per cent of ground screenings and 0.47 per cent of chaff, making a total of 4.24 per cent of foreign matter, said screenings having been mixed and packed with and substituted for wheat middlings and wheat bran in such manner as to reduce, lower, and injuriously affect the quality and strength of said article. Misbranding was alleged for the reason that the labels on the bags containing the product announced and declared said product to be made from wheat middlings and wheat bran, when, in truth and in fact, said product contained added screenings in addition to the declared ingredients.

On July 17, 1914, the said Lexington Roller Mills Co., claimant, having admitted the allegations of the libel for the purpose of disposing of the same, and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product, after proper re-labeling, should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$300, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.

3642. Adulteration and misbranding of corn chops. U. S. v. R. J. House (R. J. House & Co. and Western Grain Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 5746. I. S. No. 1042-e.)

On September 11, 1914, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against R. J. House, trading and doing business as R. J. House & Co. and the Western Grain Co., Kansas City, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 27, 1912, from the State of Missouri into the State of Florida, of a quantity of a product known as corn chops, which was adulterated and misbranded. The product was labeled: "R. J. House & Co., 90 Lbs. Pure Corn Chops Kansas City, Mo."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the presence therein of 4.20 per cent of sand.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, sand, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and, further, in that a substance, to wit, sand, had been substituted in part for genuine corn chops, which the article purported to be. Misbranding was alleged for the reason that the statement "Corn Chops," borne on the label thereof, was false and misleading, in that it represented and purported said article to consist exclusively of ground corn, whereas, in truth and in fact, it did not consist exclusively of ground corn, but did consist of a mixture of ground corn and sand; and, further, in that the statement "Corn Chops," borne on the label thereof, was calculated to mislead and deceive the purchaser into the belief that the article consisted exclusively of ground corn, whereas, in truth and in fact, said article did not consist exclusively of ground corn, but did consist of a mixture of ground corn and sand.

On October 17, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of \$50 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

**3643. Adulteration and misbranding of so-called brandy. U. S. v. 8 Cases of So-Called Brandy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5747. I. S. No. 21531-h. S. No. E-49.)**

On June 4, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases, each containing 12 large and 12 small bottles of a product purporting to be brandy, remaining unsold in the original unbroken packages and in possession of Rosato Salamandra, Trenton, N. J., alleging that the product had been shipped on or about February 20, 1914, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled: "Rosato Salamandra, Trenton, N. J. This case contains 12 large bottles and 12 small bottles Major Freres Brand Brandy." The retail packages were labeled (On tinfoil cap): "Cognac" (Neck label) Three Stars (Principal label) "Trade Mark Major Freres Brand Brandy Blend Expressly Bottled for Rosato Salamandra, Trenton, N. J."

It was alleged in the libel that the product purported to be pure brandy, whereas, in truth and in fact, it was not pure brandy and was adulterated within the meaning of the act aforesaid, in that a substance, to wit, an imitation brandy artificially colored, had been substituted wholly or in part for pure brandy, so as to reduce and lower and injuriously affect its quality and strength; further, for the reason that a substance, to wit, an imitation brandy artificially colored, had been substituted wholly or in part for pure brandy; and, further, in that the product had been mixed and colored in a manner whereby damage and inferiority was [were] concealed.

It was further alleged in the libel that the principal labels also contained pictorial representations of clusters of grapes and grapevines and a coat of arms and that the labels indicated that the product was a pure brandy or a blend of pure brandy, whereas, in truth and in fact, the product was not a pure brandy or a blend of pure brandy, and it was, therefore, misbranded within the meaning of said act in that it contained and was an imitation of brandy and was artificially colored and was offered for sale under the distinctive name of an article other than what it really was, and, further, in that it was labeled or branded so as to deceive or mislead the purchaser.

On July 1, 1914, the said Rosato Salamandra, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*



3644. Misbranding of so-called cognac. U. S. v. 254 Bottles of Cognac. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5750. I. S. No. 7381-h. S. No. C-43.)

On June 8, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 254 bottles, more or less, of so-called cognac, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the product had been shipped on November 6, 1913, and transported from the State of New York into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act. The product was labeled in Russian, of which the following is a translation, to wit: "Natural Grape Cognac Type Trade Mark (Picture of Russian Double Eagle) Approved by the Government Product of R. Monopol Co. Filled in the Russian Monopol Warehouse, Brooklyn, N. Y." The word "type" in said label was stamped in inconspicuous fashion under the word "cognac."

It was alleged in the libel that the product was misbranded within the meaning and in violation of the act of Congress of June 30, 1906, known as the Food and Drugs Act, paragraph 1 of section 8 of said act and also paragraphs 1 and 2 of section 8, under the classification of food in the said act, an analysis of samples of the product by the Bureau of Chemistry, Department of Agriculture, having revealed that said product was imitation cognac, the labels on said bottles being false and misleading, because they conveyed the impression that the product was a true cognac of foreign manufacture, and this was not corrected by means of the word "type," which appeared in inconspicuous fashion, the labels on said bottles being further false and misleading by the use of the Russian eagle and the statement "approved by the Government." Misbranding was alleged for the further reason that each of the bottles of the product, by the labels attached thereto, was labeled and printed [branded] so as to mislead the purchaser thereof, an analysis of samples of said product disclosing the fact that it was an imitation of cognac as aforesaid.

On September 25, 1914, Nathan Schreiber, Detroit, Mich., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product, after having been plainly relabeled as follows, "Imitation Cognac, Manufactured by the Russian Monopol Co., New York," should be released and surrendered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.

3645. Adulteration of beans. U. S. v. 50 Bags of Beans, More or Less. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5754. I. S. No. 22422-h. S. No. E-55.)

On June 11, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 bags of beans, more or less, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped from the State of Michigan into the State of Maryland and charging adulteration in violation of the Food and Drugs Act. The product was labeled on shipping tags: "From Saginaw Milling Company, Saginaw, Michigan, to J. Ludington & Company, Baltimore, Md."

Adulteration of the product was alleged in the libel because it consisted of a filthy, putrid, and decomposed vegetable substance, to wit, decomposed beans.

On August 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.

3646. Adulteration of beans. U. S. v. 33 Bags of Beans, More or Less. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5756. I. S. Nos. 22418-h, 22419-h. S. No. E-57.)

On June 13, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 33 bags of beans, more or less, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of Michigan into the State of Maryland and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "From Reliance Milling Company, Vassar, Michigan, to W. E. Norris & Company, Baltimore, Maryland."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, putrid, and decomposed vegetable substance, to wit, decomposed beans.

On August 29, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

**3647. Adulteration and misbranding of so-called grape brandy. U. S. v. 2 Barrels of Grape Brandy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5757. I. S. No. 645-h. S. No. W-9.)**

On June 16, 1914, the United States attorney for the District of Utah acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of imitation grape brandy, remaining unsold in the original unbroken packages and in possession of Zion's Cooperative Mercantile Institution (Inc.), Salt Lake City, Utah, alleging that the product had been shipped on or about May 20, 1914, and transported from the State of Missouri into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled on one end of barrels: "Z. C. M. I. Drug Dept, Salt Lake City, Utah, U. P. Ry. From Evans-Cahn-Levitt Distilling Company Wholesale Liquor Dealers, 313 Delaware Street, Kansas City, Missouri Wholesale Liquor Dealers Stamp T 961663 Issued by G. G. Burton Original proof 90 Present proof 90 Brandy A Compound," and on other end: "Red Grape Style Brandy."

Adulteration of the product was alleged in the libel, for the reason that the contents of the barrels were in fact an imitation of grape brandy, colored in such a manner as to imitate the genuine product, and, further, for the reason that a substitute for and an imitation of grape brandy had been so packed and mixed with the product as to reduce and lower its quality and strength, and had been substituted in part for grape brandy. Misbranding was alleged for the reason that each of the two barrels was so falsely labeled and branded as aforesaid in such a manner as to deceive and mislead the purchaser thereof, and was intended to mislead and deceive the purchaser thereof, for the reason that it was represented and intended to be represented by said labels and brands that the contents of each of the barrels were grape brandy, whereas, in truth and in fact, the said contents of each of said barrels consisted in part of an imitation of grape brandy, artificially colored, and said false labels and brands were such as to mislead and deceive the purchaser into the belief that the barrels contained grape brandy. Misbranding was alleged for the further reason that the two barrels, so labeled and branded as aforesaid, were actually represented to be and were shipped in interstate commerce as grape brandy; whereas, in truth and in fact, the same was an imitation of grape brandy.

On December 14, 1914, the said Zion's Cooperative Mercantile Institution, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution by the said Zion's Cooperative Mercantile Institution of a bond in the penal sum of \$200, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*



3048. Misbranding of mineral water. U. S. v. 400 Packages, or Carboys, of Stafford Mineral Spring Water \* \* \*. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5758. I. S. No. 7139-h. S. No. E-58.)

On June 18, 1914, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 packages, or carboys, each containing 5 gallons of a drug called Stafford Mineral Springs water, remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the product had been shipped on April 24, 1914, by Colburn, Morgan Co., Inc., operating as the Stafford Mineral Springs & Hotel Co., Ltd., Vosburg, Miss., and transported from the State of Mississippi into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The product was labeled: "Stafford Mineral Springs Water. A remedy for all Kidney Diseases, Bright's Disease, Diabetes, Dyspepsia, Rheumatism, Torpid Liver, Calculi, Insomnia, Nervous Prostration, Etc. Bo-Go-Ha-Ma (Water of Life) of the Indians. (Cut of red heart). Bottled only at the Springs near Vosburg, Jasper County, Miss. Directions, Drink freely of the Water as much as 10 or 12 glasses per day. Trade Mark Registered. By the Stafford Mineral Springs & Hotel Co. Ltd., Vosburg, Miss. Colburn, Morgan Co. Inc."

Misbranding of the product was alleged in the libel for the reason that the statements borne and contained on the labels of the packages, regarding the curative and therapeutic effects of said drug, to the effect that said Stafford Mineral Springs water was a remedy for "all Kidney Diseases, Bright's Disease, Diabetes, Dyspepsia, Rheumatism, Torpid Liver, Calculi, Insomnia, Nervous Prostration, Etc.," were false and fraudulent in that said drug, called Stafford Mineral Springs water, did not possess the said curative and therapeutic properties claimed and stated upon said labels.

On June 30, 1914, the said Colburn, Morgan Co., claimant, having admitted the allegation in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product, after the same had been properly relabeled, should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$700, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3649. Misbranding of mineral water. U. S. v. 300 \* \* \* Bottles of Stafford Mineral Springs Water. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5762. I. S. No. 7139-h. S. No. C-46.)

On June 19, 1914, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 5-gallon bottles or carboys of Stafford Mineral Springs water, remaining unsold in the original unbroken packages in possession of Folks & Wynant Co., at Birmingham, Ala., alleging that the product had been shipped on May 19, 1914, by Colburn, Morgan Co., Vosburg, Miss., and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The product was labeled: "Stafford Mineral Springs Water, a remedy for all Kidney Diseases, Bright's Disease, Diabetes, Dyspepsia" (Picture of red heart with words "The Bo-Go-Ha-Ma Water of Life of The Indian Trade Mark Registered") "Rheumatism, Torpid Liver, Calculi, Insomnia, Nervous Prostration, Etc., Bottled only at the Springs near Vosburg, Jasper County, Miss., by the Stafford Mineral Springs & Hotel Co., Ltd., Colburn, Morgan Company, Vosburg, Miss."

It was alleged in the libel that the product was misbranded, and was without and did not possess therapeutic properties as claimed upon said labels, and the statements therein were false and fraudulent, in violation of section 8 of the Food and Drugs Act, paragraph 3, as amended, August 23, 1912. It was further alleged in the libel that the product was misbranded as aforesaid because said water was an ordinary limestone water, and did not possess therapeutic properties claimed to be contained therein in the statements and labels thereon, in that the labels on said bottles contained the statements as follows: "Stafford Mineral Springs Water, a remedy for all Kidney Diseases, Bright's Disease, Diabetes, Dyspepsia, Rheumatism, Torpid Liver, Calculi, Insomnia, Nervous Prostration, Etc.," which said statements were false and fraudulent.

On July 6, 1914, the said Folks & Wynant Co., Birmingham, Ala., and Colburn, Morgan Co., Vosburg, Miss., claimants, having consented to a decree of condemnation, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimants upon the execution and delivery of a good and sufficient bond in the penal sum of \$600, in conformity with section 10 of the act, said claimants having agreed to pay the costs of the proceedings.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.

3650. Adulteration and misbranding of so-called banana cordial. U. S. v. Milton S. Kronheim. Plea of guilty. Fine, \$10. (F. & D. No. 5763. I. S. No. 1680-h.)

On January 27, 1915, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Milton S. Kronheim, Washington, D. C., alleging the sale by said defendant on December 2, 1913, in the District aforesaid, and in violation of the Food and Drugs Act, of a quantity of so-called banana cordial, which was adulterated and misbranded.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Organoleptic tests: Characteristic taste and odor.

Lead precipitate: Trace only.

Residue from steam distillation: No odor, sweet taste only.

Volatile acids (cc N/10 alkali per 100 cc): 1.25.

Volatile esters (cc N/10 alkali per 100 cc): 3.10.

The flavor in this product is largely artificial.

Adulteration of the product was alleged in the information for the reason that an imitation product artificially flavored containing little or no banana had been substituted wholly or in part for genuine banana cordial which the article purported to be.

It was further alleged in the libel that the product was misbranded and labeled so as to deceive and mislead the purchaser in that the label on the bottle thereof bore the words and phrase, to wit: "Banana Cordial Trade Mark Maryland Wine and Liquor Co. 3218 M St. N. W. Phone W. 652 Washington, D. C. Kronheim of Georgetown (Compound) Guaranteed by Milton S. Kronheim under the National Pure Food and Drugs Act, June 30th, 1906. Milton S. Kronheim 3218 M St. N. W. Washington, D. C."; that the said article of food, when sold and delivered as aforesaid, was, then and there, misbranded in that the statement, to wit, "Banana Cordial," followed by the word "(Compound)," in inconspicuous type and in an inconspicuous place on the label thereof, was false and misleading in this, that it purported and represented that said article was a banana cordial, whereas, in truth and in fact, it was not a banana cordial, but was an imitation banana cordial, containing little or no banana or juice derived from banana fruit, and the same was artificially flavored, and said article was further misbranded in that it was labeled "Banana Cordial" "(Compound)," the word "(Compound)" being in small type and in an inconspicuous place on said label, which said statement was calculated to deceive and mislead the purchaser into the belief that said article was a genuine banana cordial, whereas, in truth and in fact, it was not a genuine banana cordial, but was an imitation banana cordial, containing little or no banana or juice derived from banana fruit, and the same was artificially flavored.

On January 27, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

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U. S. DEPARTMENT OF AGRICULTURE,  
BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

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SERVICE AND REGULATORY ANNOUNCEMENTS.<sup>1</sup>  
SUPPLEMENT.

N. J. 3651-3700.

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NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3651. Adulteration of canned beans. U. S. v. 5 Cases of Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5764. I. S. No. 8092-h. S. No. E-60.)

On June 25, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 24 cans of beans, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on or about November 3, 1913, and transported from the State of Maryland into the State of Pennsylvania and charging adulteration in violation of the Food and Drugs Act. The product was labeled, in part: "2 Doz. No. 3 Red Line Brand Beans with Sauce, Packed at East Brooklyn Pres. Works, East Brooklyn, Md."

Adulteration of the product was alleged in the libel for the reason that it was mixed in a manner whereby inferiority was concealed, and further, in that it consisted in whole or in part of a decomposed vegetable product.

On July 30, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

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<sup>1</sup> The Service and Regulatory Announcements of the Bureau of Chemistry are published in conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by the various branches of the department. During 1915 they will be issued as often as necessary rather than each month, as in 1914, and will be numbered consecutively, beginning with S. R. A., Chem. 13.

Notices of judgment are issued as supplements to the Service and Regulatory Announcements of the Bureau of Chemistry. Beginning with January, 1915, they will be numbered and paged independently of the Service and Regulatory Announcements, the first number being designated as S. R. A., Chem. Suppl. 1.

Free distribution is limited to firms, establishments, journals, and individuals especially concerned. Others desiring copies may obtain them from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 5 cents each, or 50 cents a year.

3652. Adulteration of canned beans. U. S. v. 9 Cases of Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5765. I. S. No. 8093-h. S. No. E-61.)

On June 25, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases, each containing 24 cans of beans, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on or about April 16, 1914, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The product was labeled, in part: "J. Ludington and Company. Baltimore, Md. 2 doz. No. 3 Athletic Brand Beans."

Adulteration of the product was alleged in the libel for the reason that it was mixed in a manner whereby inferiority was concealed, and, further, in that it consisted in whole or in part of a decomposed vegetable product.

On July 30, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3653. Adulteration of tomato pulp. U. S. v. 15 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5766. I. S. No. 22436-h. S. No. E-62.)

On June 24, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Elizabethport, N. J., alleging that the product had been shipped on or about June 18, 1914, and transported from the State of Maryland into the State of New Jersey and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Fox Creek Brand Tomato Pulp Made from Tomatoes and Tomato Trimmings. Contents 10 oz. Packed by J. Frank Hearn, Bishops Head, Md. Fox Creek Brand Packed by J. Frank Hearn, Bishops Head, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole and in part of filthy, decomposed, and putrid vegetable substance, to wit, tomatoes.

On August 10, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*



3654. Adulteration and misbranding of so-called gelatin. U. S. v. 5 Barrels of Gelatin. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5767. I. S. No. 9989-h. S. No. C-49.)

On June 29, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels containing 863 pounds, more or less, of so-called gelatin, remaining unsold in the original unbroken packages at Zanesville, Ohio, alleging that the product had been shipped and transported in interstate commerce from the State of Illinois into the State of Ohio and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "From Clarkson Gelatine Works 33rd St. and Shields Ave., Chicago, Ill.  
\* \* \* To Hemmer Ice Cream Co. Zanesville Ohio."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, glue, had been mixed and packed with said gelatin so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a certain substance, to wit, glue, had been substituted in part for said article of food; and further, that said gelatin contained excessive amounts of copper and zinc, added deleterious ingredients which might render said article of food injurious to health. Misbranding was alleged for the reason that the article of food was offered for sale, sold and invoiced under the distinctive name of gelatin, when, in truth and in fact, it was not gelatin, but was another article, to wit, a mixture of gelatin and glue containing excessive amounts of zinc and copper.

On September 12, 1914, the Clarkson Glue Co., a corporation, doing business as Clarkson Gelatine Works, Chicago, Ill., claimant, having admitted the facts stated in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and restored to said claimant company upon payment of all the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act, one of the conditions of said bond being that upon redelivery to said claimant the gelatin should be, by said claimant, in the presence of a United States food and drug inspector, so denatured that it might not again be sold or offered for sale as a food product.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3655. Adulteration of tomato pulp. U. S. v. 30 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5768. I. S. No. 22435-h. S. No. E-63.)

On June 26, 1914, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the product had been shipped on or about June 17, 1914, and transported from the State of Maryland into the State of Georgia and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Nigger Head Brand Tomato Pulp (For Soup)—Made from Tomatoes and Tomato Trim-mings—Distributed by Aughinbaugh Canning Company, Baltimore, Md., U. S. A. Factories: Baltimore, Md., U. S. A., and Milford, Del., U. S. A."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On September 5, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3656. Adulteration and misbranding of so-called gelatin. U. S. v. 1 Barrel of Gelatin. Default decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5770. I. S. No. 9990-h. S. No. C-50.)

On June 26, 1914, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of so-called gelatin, remaining unsold in the original unbroken package at Cleveland, Ohio, alleging that the product had been shipped on or about May 12, 1914, and transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled, "From Clarkson Gelatine Works, Chicago," and was invoiced as "Gelatine."

Adulteration of the product was alleged in the libel for the reason that bone glue had been mixed and packed with and substituted for gelatin in such manner as to reduce and lower and injuriously affect the quality and strength of said article, and further, in that a substance, to wit, bone glue, had been substituted in part for the article, and further, in that said product contained excessive amounts of zinc and copper, added deleterious ingredients which might render it injurious to health. Misbranding was alleged for the reason that the product was invoiced as gelatin and consisted of a mixture of gelatin and bone glue containing excessive amounts of zinc and copper.

On September 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to the Clarkson Gelatine Works, Chicago, Ill., upon payment of all costs of the proceedings and execution of bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3657. Adulteration of milk. U. S. v. Joseph C. R. Hupp. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 5779. I. S. No. 12747-e.)

On November 7, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph C. R. Hupp, Vienna, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 13, 1913, from the State of Pennsylvania into the State of West Virginia, of a quantity of milk which was adulterated. The product was labeled: (On can) "J. C. R. Hupp, B. & O. Vienna, Pa." (On tag) "When full forward to F. & C. Dairy Co., Wheeling, Corner Sixteenth and Chapline Street."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Fat (per cent)-----	3.55
Solids by drying (per cent)-----	11.24
Specific gravity-----	1.0265
Solids not fat (per cent)-----	7.69
Refraction at 20° C-----	38.9

Nitrate test: Positive.

Sediment: Objectionable amount.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, added water, was mixed with the article so as to reduce, lower and injuriously affect its quality; and further, in that it consisted wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance, to wit, dirt and sediment.

On November 16, 1914, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*



3658. Adulteration and misbranding of so-called Hungarian paprika. U. S. v. Horton-Cato Mfg. Co. Plea of guilty. Fine, \$50. (F. & D. No. 5784. I. S. No. 5689-e.)

On December 14, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Horton-Cato Mfg. Co., a corporation, Detroit, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 27, 1912, from the State of Michigan into the State of Tennessee, of a quantity of so-called Hungarian paprika, which was adulterated and misbranded. The product was labeled: "Hungarian Paprika. Windsor, Can. The Horton-Cato Mfg. Co., Detroit, Mich."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Ash (per cent)-----	7.80
Ash insoluble in 10 per cent HCl (per cent)-----	0.67
Ether extract (per cent)-----	16.74
Chloroform extract (per cent)-----	16.94
Iodin number-----	120.2
Taste, odor: Spanish, not Hungarian.	

The high ash, the taste and odor show this product to be a Spanish paprika, not Hungarian. The high ether extract and the low iodine number show that an oil has been added.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, Spanish paprika containing added oil, had been substituted wholly or in part for Hungarian paprika which the article purported to be. Misbranding was alleged for the reason that the statement, to wit, "Hungarian Paprika," borne on the label, was false and misleading in that it purported and represented the article to be Hungarian paprika, whereas, in truth and in fact, it was not Hungarian paprika, but was a paprika inferior to Hungarian paprika, to wit, a Spanish paprika, containing added oil, and containing more ash than is found in Hungarian paprika, and further, in that said article was offered for sale and sold under the distinctive name of another article, to wit, Hungarian paprika, whereas, in truth and in fact, it was not Hungarian paprika, but was a paprika inferior to Hungarian paprika, to wit, Spanish paprika, and further, in that said article was labeled "Hungarian Paprika" so as to deceive and mislead the purchaser into the belief that it was a genuine Hungarian paprika, whereas it was not a genuine Hungarian paprika, but was a paprika inferior to Hungarian paprika, to wit, a Spanish paprika, containing added oil, and containing more ash than is found in Hungarian paprika.

On January 6, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

3659. Adulteration of tomato pulp. U. S. v. 1,010 Cans, More or Less, of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5785. I. S. Nos. 21713-h, 21717-h. S. No. C-48.)

On July 14, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,010 cans, each containing 5 gallons of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on June 1, 1914, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy vegetable substance; further, for the reason that it consisted wholly of a filthy vegetable substance; further, for the reason that it consisted in part of a decomposed vegetable substance; further, for the reason that it consisted wholly of a decomposed vegetable substance; further, for the reason that it consisted in part of a putrid vegetable substance; and further, for the reason that it consisted wholly of a putrid vegetable substance.

On September 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *March 26, 1915.*

91174°—15—2

3660. Misbranding of Sa-Yo mint jujubes. U. S. v. 100 Boxes \* \* \* Sa-Yo Mint Jujubes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5787. I. S. No. 8088-h. S. No. E-64.)

On July 1, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 pasteboard boxes, each containing 48 cartons of Sa-Yo mint jujubes, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on or about January 30, 1914, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. Each of the pasteboard boxes was labeled: "Sa-Yo—Reg. U. S. Pat. Off.—Mint Jujubes—An Unfailing Relief for Coughs & Throat Irritations. Manufactured by Wallace & Co., New York City—Trade Mark. Five Cents—4 Dozen Packages. Sa-Yo Mint Jujubes. Reg. U. S. Pat. Off. Serial No. 2486—Guaranteed under the Food and Drugs Act, June 30, 1906."

It was alleged in the libel that the drug was misbranded, in that each of the cartons bore a statement on the label thereof as follows, to wit, "Sa-Yo Mint Jujubes One Ounce," which said statement was false and misleading, in that each of the cartons contained less than one ounce of said drug; further, in that each of the pasteboard boxes and cartons bore a statement on the label thereof relating to the therapeutic effect of said drug which was false and fraudulent, to wit, "An unfailing relief for coughs and throat irritations," which said statement was false and fraudulent, in that said drug was not an unfailing relief for coughs and throat irritations; further, in that each of the cartons bore another statement on the label thereof regarding the therapeutic effect of said drug which was false and fraudulent, to wit, "Recommended by physicians as a prompt and effective relief for all coughs and bronchial troubles," which said statement was false and fraudulent, in that said drug was not recommended by physicians as a prompt and effective relief for all coughs and bronchial troubles; further, in that each of the cartons bore a statement on the label thereof regarding the therapeutic effect of said drug which was false and fraudulent, to wit, "Quickly removes attacks of indigestion," which said statement was false and fraudulent, in that said drug did not quickly remove attacks of indigestion; further, in that each of the cartons contained a certain leaflet which contained statements regarding the therapeutic effect of the drug which were false and fraudulent, to wit, the following statements, "Most efficacious in all conditions requiring relief," "As an effective remedy for coughs and throat irritations they are unequalled," which said statements were false and fraudulent, in that said drug was not most efficacious in all conditions requiring relief and was not unequalled as an effective remedy for coughs and throat irritations; and further, in that each of the cartons contained a poster, which said poster bore a statement regarding the therapeutic effect of said drug which was false and fraudulent, to wit, "Sa-Yo Mint Jujubes cure coughs and throat irritations," which said statement was false and fraudulent, in that said drug did not cure coughs and throat irritations.

On July 30, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

3661. Adulteration and misbranding of so-called Swiss milk cocoa. U. S. v. 26 Cases, More or Less, of Swiss Milk Cocoa. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 5788. I. S. No. 9641-h. S. No. C-55.)

On July 2, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 26 cases, each containing 2 dozen jars of a certain article of food designated as Swiss milk cocoa, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on May 8, 1914, and transported from the State of Pennsylvania into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "½ pound net weight. Croft's Swiss Milk Cocoa. Manufactured under Swiss Process by Croft & Allen Co. Philadelphia, U. S. A. Guaranteed under Food and Drug Act, June 30, 1906. Serial No. 3373. Copyright 1901 by Croft & Allen Co. (Representations of farm house, pasture, cow and milkmaid)."

Adulteration of the product was alleged in the libel for the reason that another article, to wit, sugar, had been mixed and packed therewith so as to reduce, lower and injuriously affect its quality and strength, and further, for the reason that another article, to wit, sugar, had been substituted wholly or in part for the genuine milk cocoa. Misbranding was alleged for the reason that each of the retail packages bore a label in the words and figures set forth above, which said statement, borne upon the label aforesaid, was false and misleading, in that it represented to the purchaser that the article of food aforesaid was a genuine Swiss milk cocoa, whereas, in truth and in fact, another article, to wit, sugar, had been mixed and packed with the article so as to reduce, lower and injuriously affect the quality and strength of the article of food aforesaid. Misbranding was alleged for the further reason that said statement, borne upon each of the labels aforesaid, was false and misleading in that the words "Swiss Milk Cocoa," and the words "Manufactured under Swiss process" represented that the product was manufactured in a foreign country, to wit, Switzerland, whereas, in truth and in fact, it was manufactured in the city of Philadelphia, State of Pennsylvania, United States of America. Misbranding was alleged for the further reason that the product was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, genuine milk cocoa, in that the article of food aforesaid contained an insufficient quantity of milk solids to entitle it to be designated as milk cocoa.

On September 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal obliterate the label appearing on each of the individual jars containing the article of food designated as Swiss milk cocoa, and cause to be prepared and placed upon each of said jars a label containing the words "Sweetened Cocoa," printed in letters not less than three-fourths inch in height, and the words "Manufactured by Croft & Allen Co., Philadelphia, U. S. A.," in letters not less than one-half inch in height, and further, that he remove from each of the individual jars the paper wrapper surrounding each of them, which said wrapper bore the words "Croft's Swiss Milk Cocoa. Manufactured under Swiss process," and that after such labeling the product should be sold by said marshal at public sale to the highest bidder for cash.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.



3662. Adulteration and misbranding of gelatin. U. S. v. 1 Barrel \* \* \* of gelatin.  
Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5789.  
I. S. No. 7437-h. S. No. C-59.)

On or about July 2, 1914, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel purporting and represented to contain gelatin, remaining unsold in the original unbroken package at Des Moines, Iowa, alleging that the product had been shipped on or about June 19, 1914, and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was sold as A1 ground gelatin, when, in truth and in fact, it consisted of a mixture containing sugar, bicarbonate of soda and bone glue, and excessive amounts of zinc and copper, which caused the strength and purity of said goods to fall below the professed standard and quality under which it was sold, in violation of the act of Congress above stated. It was further alleged that the barrel did not contain A1 ground gelatin, but, in truth and in fact, contained wholly or in part a mixture of gelatin, sugar, bicarbonate of soda, bone glue and excessive amounts of zinc and copper goods, which having been mixed therewith, rendered the same adulterated. It was further alleged that the sale of said barrel as containing A1 ground gelatin was misleading and false, and such as to mislead and deceive the purchaser, and such as to enable the offering of the contents for sale as being A1 ground gelatin, when, in truth and in fact, the same was not such as was offered for sale, and was an unlawful adulteration.

It was further alleged that in addition to said ingredients above set out, there had been added to the shipment bone glue, sugar and bicarbonate of soda, which had been substituted for gelatin, in such a manner as to reduce and lower and injuriously affect the quality and strength thereof, and that by reason of the ingredients set out in detail, some of said article had been substituted wholly or in part for said A1 ground gelatin; that by the substitution of said article a valuable constituent of said article, to wit, gelatin, had been wholly or in part abstracted; all in violation of section 7 of the Food and Drugs Act; that by reason of said mixture of said foreign ingredients with said gelatin the quality and strength of said gelatin was injuriously affected, reduced and lowered, and the contents of the barrel as held and sold and offered for sale contained poisonous and deleterious ingredients which rendered said article injurious to health.

It was further alleged that said article was misbranded as to the character of its contents, by brands appearing thereon, upon the outside of the original barrel for the reason that said barrel did not contain A1 ground gelatin, but, in truth and in fact, contained wholly or in part a mixture of sugar, bicarbonate of soda and bone glue, and excessive amounts of zinc and copper goods made from substances other than gelatin and a foreign substance to said article of gelatin, prepared in imitation of gelatin and which foreign matters had been mixed and packed in imitation of the true gelatin and had been substituted therefor, rendering the same adulterated in violation of section 7 of the Food and Drugs Act; and that within said mixture were certain substances substituted for said gelatin product, whereby the same was misbranded in violation of section 8 of said act of Congress; that the labeling of said barrel as containing A1 ground gelatin was misleading and false and such as to mislead and deceive the purchaser, and such as to enable the offering of the contents for sale as A1 ground gelatin, when, in truth and in fact, the same was not such

as was offered for sale and was an unlawful misbranding within the meaning of the statute aforesaid, and also an unlawful adulteration and mixture of said product.

On December 19, 1914, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3663. Adulteration and misbranding of gelatin. U. S. v. 1 Barrel of Gelatin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5791. I. S. No. 8192-h. S. No. W-11.)

On July 2, 1914, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of gelatin, remaining unsold in the original unbroken package at Seattle, Wash., alleging that the product had been shipped on May 28, 1914, and transported from the State of Illinois into the State of Washington and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article of food was consigned by freight bill and bill of lading as gelatin and was in fact a barrel of gelatin bearing a tag, as follows, to wit, "From Clarkson Gelatine Works, 33rd and Shields Ave., Chicago, Ills., to Seattle Ice Cream Co., Seattle, Washn.;" that the tag, label and branded direction was of sufficient size to be easily read, and the general appearance of said label, printed or stenciled matter, or design, and the bill of lading under which the same was transferred in interstate commerce, gave the impression and was designed to give the impression that said product was of pure animal character in substance; that said mentioned representation, wherein the product was represented and pretended to be gelatin, was false, misleading, and untrue in the following particulars, to wit, that said bill of lading, under and by which the article was shipped, and the tag attached thereto, failed to reveal that said barrel of gelatin included as a part of its contents other ingredients of a kind and character which reduced, lowered, and injuriously affected its quality and strength as a food product in the following particulars, to wit, that said barrel contained arsenic, (0.0000015) one millionth and one-half millionth per part thereof (1.5 parts per million); copper, ninety parts per one million parts thereof; zinc, eight hundred three parts per million parts thereof; sugar, 0.0467 (4.67) per cent; ash, 0.0247 (2.47) per cent; that said ingredients herein mentioned, and each of them, had been mixed and packed with and substituted for gelatin in said barrel in such manner as to reduce, lower, and injuriously affect its quality and strength for use as a food product. It was further alleged in the libel that specimens of the product had been examined under the direction and supervision of the Bureau of Chemistry of the Department of Agriculture of the United States and that it duly appeared from said examination that said specimens were misbranded and adulterated, in that said food product contained the harmful, poisonous, and deleterious substances hereinbefore more particularly described; that said substances, and each of them, rendered said product unfit for consumption or use and injurious to health; that the presence of said injurious, deleterious, harmful and poisonous ingredients and substances above described and mentioned contained in the barrel of gelatin was not declared or mentioned on any label or brand attached thereto, all in violation of the provisions of said act of Congress.

On August 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

3664. Adulteration and misbranding of oats. U. S. v. 180 Sacks of Oats. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5793. I. S. No. 22502-h. S. No. E-65.)

On July 2, 1914, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 180 sacks, each containing 160 pounds of oats, remaining unsold in the original unbroken packages and in possession of the Palmetto Distributing Co., Columbia, S. C., alleging that the product had been shipped on June 4, 1914, and transported from the State of Virginia into the State of South Carolina and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that the packages did not contain oats alone but [an]other substance[s], to wit, barley and weed seeds, chaff and hulls, had been mixed and packed with said oats so as to reduce and lower and injuriously affect the quality and strength thereof; and further, in that [an]other substance[s], to wit, barley and weeds seeds and chaff and hulls, had been substituted in part for said oats, that is to say, that said shipment consisted of approximately 53 per cent of oats, 41½ per cent of barley and 5½ per cent of weed seeds, chaff and hulls. Misbranding was alleged for the reason that the product was an imitation of and had been offered for sale under the distinctive name of oats, whereas the said shipment contained a mixture of oats, barley, weed seeds, chaff and hulls in approximately the following proportions, to wit, 53 per cent of oats, 41½ per cent of barley and 5½ per cent of weed seeds, chaff and hulls.

On August 18, 1914, the said Palmetto Distributing Co., having filed its answer, admitting the allegations in the libel, and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product, after having been properly branded to show the true contents thereof, should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*



3665. Adulteration of catsup. U. S. v. 100 Cases of Catsup, More or Less. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5794. I. S. No. 1500-h. S. No. E-67.)

On July 3, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases of catsup, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of Texas into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, putrid and decomposed vegetable substance, to wit, decomposed catsup.

On August 28, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3666. Adulteration of tomato pulp. U. S. v. 25 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5795. I. S. No. 22441-h. S. No. E-68.)

On July 3, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about June 22, 1914, and transported from the State of Maryland into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The cans were labeled: "Fox Creek Brand Tomato Pulp Made from Tomatoes and Tomato Trimmings. Contents 10 oz. Packed by J. Frank Hearn, Bishops Head, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed and putrid vegetable substance, to wit, tomatoes.

On August 10, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

91174°—15—3

3667. Adulteration and misbranding of gelatin. U. S. v. 1 Barrel of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5801. I. S. No. 9999-h. S. No. C-62.)

On July 3, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel, containing 148 pounds, more or less, of gelatin, remaining unsold in the original unbroken package at Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "From Clarkson Gelatine Works, 33rd St. and Shields Ave., Chicago, Ill. \* \* \* To American Extract Co. 1008 Walnut St., Cincinnati, Ohio."

Adulteration of the product was alleged in the libel for the reason that certain substances, to wit, sugar, sodium bicarbonate and glue, had been mixed and packed with said gelatin so as to reduce and lower and injuriously affect its quality and strength, and further, in that certain substances, to wit, sugar, sodium bicarbonate and glue, had been substituted in part for said article of food, and further, that said gelatin contained excessive amounts of copper and zinc, added deleterious ingredients, which might render said article of food injurious to health. Misbranding was alleged for the reason that the product was offered for sale, sold and invoiced under the distinctive name of "Ground Gelatine" when, in truth and in fact, it was not gelatin nor ground gelatin, but was another article, to wit, a mixture of gelatin, glue, sugar, sodium bicarbonate, containing excessive amounts of zinc and copper.

On September 14, 1914, the Clarkson Gelatine Works, Chicago, Ill., claimant, having filed its answer admitting the facts set out in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and restored to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act, one of the conditions of said bond being that the product should be so denatured by the claimant, in the presence of a United States food and drug inspector, that it might not again be sold or offered for sale as a food product.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

3668. Adulteration of beans. U. S. v. 250 Bags of Beans, More or Less. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5802. I. S. No. 22097-h. S. No. E-66.)

On July 3, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 bags of beans, remaining unsold in the original unbroken packages, and in possession of Edward P. Smith & Co., Baltimore, Md., alleging that the product had been transported from the State of Michigan into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because it consisted of a filthy, putrid and decomposed vegetable substance, to wit, decomposed beans.

On August 5, 1914, Edward P. Smith, trading as E. P. Smith & Co., Baltimore, Md., having filed his answer admitting the matters and facts alleged in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act, one of the conditions of the bond being that none of the beans should be sold or disposed of at all by the claimant until they should have been carefully sorted in the presence of a duly authorized inspector or other representative of the United States Department of Agriculture, and those beans which were adulterated should have been separated from those which were not adulterated, and after such process should have been completed and not before, such of the beans as were not adulterated in the judgment of said inspector might be sold or disposed of by said claimant for human consumption, while those which were adulterated within the opinion of said inspector should not be sold or disposed of by said claimant for any purpose other than cattle, hog or other animal food.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *March 26, 1915.*



3669. Adulteration and misbranding of gelatin. U. S. v. 1 Barrel of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5804. I. S. No. 27717-h. S. No. C-61.)

On July 6, 1914, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of gelatin, remaining unsold in the original unbroken package at Stillwater, Minn., alleging that the product had been shipped on June 19, 1914, and transported from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled "From Clarkson Gelatine Works 33rd St. and Shields Ave. Chicago, Ill. Caution to customers: If shipment is damaged refuse to accept until agent makes notation on freight bill. Attention Agent: If shipment is refused notify us at once. To N. Starkel, Stillwater, Minn."

Adulteration of the product was alleged in the libel for the reason that it contained added poisonous or deleterious ingredients which might render said article injurious to the health, that is to say, said gelatin contained 110 parts per million of copper and 742 parts per million of zinc, and further, in that certain substances, to wit, sugar in the amount of 4.94 per cent and sodium bicarbonate in the amount of 1.1 per cent, had been mixed and packed with the article, to wit, gelatin, so as to reduce, lower and injuriously affect its quality and strength, and further, in that certain substances, to wit, sugar in the amount of 4.94 per cent and sodium bicarbonate in the amount of 1.1 per cent, had been substituted in part for the article, to wit, gelatin. Misbranding was alleged for the reason that the product, which in fact contained a mixture of sugar, sodium bicarbonate, copper and zinc, in the respective amounts hereinbefore stated, was in [an] imitation of and offered for sale under the distinctive name of another article, to wit, gelatin.

On September 14, 1914, the Clarkson Gelatine Works, Chicago, Ill., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be restored to the said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

3670. Adulteration and misbranding of gelatin. U. S. v. 1 Barrel of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5805. I. S. No. 10000-h. S. No. C-64.)

On July 6, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel, containing 100 pounds, more or less, of gelatin, remaining unsold in the original unbroken package at Troy, Ohio, alleging that the product had been shipped from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "From Clarkson Gelatine Works, 33rd St. and Shields Ave., Chicago, Ill. \* \* \* To W. O. Hamilton Co. Troy, Ohio."

Adulteration of the product was alleged in the libel for the reason that certain substances, to wit, sugar and glue, had been mixed and packed with the gelatin so as to reduce and lower and injuriously affect its quality and strength; further, in that certain substances, to wit, sugar and glue, had been substituted in part for said article of food; and further, in that said gelatin contained excessive amounts of copper and zinc, added deleterious ingredients which might render said article of food injurious to health. Misbranding was alleged for the reason that the product was offered for sale, sold and invoiced under the distinctive name of "Ground Gelatine" when, in truth and in fact, it was not gelatin nor ground gelatin, but was another article, to wit, a mixture of gelatin, glue and sugar, containing excessive amounts of zinc and copper.

On September 14, 1914, the Clarkson Gelatine Works, Chicago, Ill., claimant, having filed its answer admitting the facts set forth in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and restored to said claimant upon payment of all costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act, one of the conditions of said bond being that the gelatin should be, by said claimant, in the presence of a United States food and drug inspector, so denatured that it might not again be sold or offered for sale as a food product.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.

3671. Adulteration and misbranding of so-called grape juice. U. S. v. 29 Cases \* \* \* Grape Juice. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5807. I. S. No. 4294-h. S. No. C-66.)

On July 7, 1914, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 29 cases, more or less, of so-called grape juice, each containing one dozen bottles of said product, remaining unsold in the original unbroken packages at St. Paul, Minn., alleging that the product had been shipped on May 13, 1914, and transported from the State of Ohio into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the cases was labeled: "Catawba Unfermented Grape Juice." Each of the bottles was labeled: "Lake Shore Brand Catawba Unfermented Unsurpassed Grape Juice—Liebenthal Bros. & Co., Distributors, Cleveland, Ohio. \* \* \*

Adulteration of the product was alleged in the libel for the reason that certain substances, to wit, sugar and water, had been mixed and packed with the article, to wit, grape juice, so as to reduce, lower and injuriously affect its quality and strength, and for the further reason that certain substances, to wit, sugar and water, had been substituted in part for the article, to wit, grape juice. Misbranding was alleged for the reason that the article of food, which was in fact adulterated in the manner hereinbefore set forth, was in imitation of and offered for sale under the distinctive name of another article, to wit, pure and genuine grape juice, and for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser in that by the words "Grape Juice," appearing on said labels and brands, said article was represented and purported to be pure and genuine grape juice, whereas, in truth and in fact, it was adulterated in the manner hereinbefore described.

On September 14, 1914, the Fremont Grape Juice Co., a corporation, Fremont, Ohio, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to the said claimant upon payment of all of the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

**3672. Adulteration and misbranding of gelatin. U. S. v. 2 Barrels \* \* \* Gelatin.**  
Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5808.  
I. S. No. 6601-h. S. No. E-69.)

On July 6, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels, one of which contained 423 pounds and the other 417 pounds of a food product purporting to be gelatin, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on or about June 19, 1914, and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "From Clarkson Gelatine Works, 33rd St. and Shields Ave., Chicago, Ills.,—to Keebler Weyl Biscuit Co., Philadelphia, Pa.—456-33-73841—6-22-14—Clarkson Gelatine Works, Chicago."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, sugar, had been mixed and packed with the article so as to reduce or lower and injuriously affect its quality and strength; further, in that a certain substance, to wit, sugar, had been substituted in whole or in part for the said food product; and further, in that it contained certain added deleterious ingredients which might render it injurious to health, to wit, contained excessive amounts of copper and zinc. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, gelatin.

On August 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*



3673. Adulteration of canned beans. U. S. v. 21 Cases \* \* \* Canned Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5809. I. S. No. 25912-h. S. No. E-70.)

On July 10, 1914, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District Court, a libel for the seizure and condemnation of 21 cases, each containing 2 dozen cans of beans, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the product had been transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "J. Ludington & Co. 2 doz. No. 3 Athletic Brand Beans With Sauce Baltimore, Md. U. S. A." The cans were labeled: "Athletic Brand Beans With Sauce Athletic Brand Beans With Sauce Contents 2 Lbs., 2 Oz., or over. This brand controlled and packed by J. Ludington & Co., Baltimore, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance, and for the further reason that it was mixed, packed, colored, and stained in a manner whereby damage and inferiority were concealed, and therefore adulterated.

On November 20, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3674. Adulteration and misbranding of so-called brandy. U. S. v. 5 Cases of So-Called Brandy. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5813. I. S. No. 21535-h. S. No. E-71.)

On July 13, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 12 bottles of a product purporting to be brandy, remaining unsold in the original unbroken packages at Montclair, N. J., alleging that the product had been shipped on or about June 8, 1914, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the cases was labeled: "Glass—Mt. Clair Bottling Works, Montclair, N. J." Each of the bottles was labeled: "E. R. Brand." (Shoulder) "(Three Stars). Edouard Riviere Brand." (Main label) "(Monogram E. F.) Edouard Riviere Brand Brandy—This Brandy is made in California from carefully selected grapes and bottled under our own supervision. Guaranteed by Fialla and Eppler, New York, under the Pure Food and Drugs Act, June 30, 1906, Serial Number 17231." The wrappers around each bottle were labeled "Edouard Riviere Brand Brandy."

It was alleged in the libel that the product purported to be pure brandy, whereas, in truth and in fact, it was not pure brandy, and was adulterated within the meaning of the act aforesaid, in that a substance, to wit, an imitation brandy artificially colored, had been substituted wholly or in part for pure brandy so as to reduce or lower and injuriously affect its quality and strength; further, in that a substance, to wit, an imitation brandy artificially colored, had been substituted wholly or in part for pure brandy; and further, in that the product had been mixed and colored in a manner whereby damage and inferiority were concealed.

It was further alleged in the libel that the principal labels also contained pictorial representations of clusters of grapes, the labels indicating that the article was pure brandy or a blend of pure brandy, whereas, in truth and in fact, it was not pure brandy or a blend of brandy, and was therefore misbranded within the meaning of the act in that it contained and was an imitation brandy and artificially colored, and was offered for sale under the distinctive name of an article other than what it really was, and for the further reason that it was labeled or branded so as to deceive and mislead the purchaser.

On October 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3675. Adulteration of tomato catsup. U. S. v. 48 Cases \* \* \* Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5822. I. S. No. 9383-h. S. No. W-13.)

On July 25, 1914, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 48 cases, each containing one dozen cans of tomato catsup, remaining unsold in the original unbroken packages at Albuquerque, New Mexico, alleging that the product had been shipped on or about November 1, 1913, and transported from the State of Colorado into the State of New Mexico, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "K. 1 dozen No. 10 Kuner's Tomato Catsup. The Kuner Pickle Co., Denver Colo., Net weight." Each of the cans was labeled: "Eagle Brand Tomato Ketchup—Made from pieces, trimmings, and small tomatoes—Preserved with 1/10 of 1% benzoate of soda—K,—The Kuner—K—Pickle Co., Denver. Average net weight of contents 6 lbs. 4 ozs. Remove contents of can as soon as opened."

It was alleged in the libel that said cases and cans, when so shipped in interstate commerce as aforesaid, contained an article of food which consisted in whole or in part of a filthy and decomposed vegetable substance, containing yeasts and spores, 17 per one-sixtieth cubic millimeter, bacteria, 57,000,000 per cubic centimeter, and mold filaments present in 77 per cent of the fields, and was adulterated within the meaning of said act of Congress and in violation thereof.

On August 28, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.

3676. Adulteration and misbranding of maple sirup. U. S. v. 4 Cases of Maple Sirup, More or Less. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5824. I. S. No. 22098-h. S. No. E-72.)

On July 28, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases of maple sirup, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been transported from the State of New Jersey into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Pure Vermont Maple Syrup, Hopper, McGaw & Company, Importers and Grocers, Charles & Mulberry Streets, Baltimore, Maryland."

Adulteration of the product was alleged in the libel for the reason that there had been mixed and packed with maple sirup in said cases a sugar sirup other than maple in such a manner as to reduce and lower and injuriously affect its quality and strength; and further, because a certain substance, to wit, a sugar [sirup (?)] other than maple had been substituted in part for maple sirup in said cases. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the distinctive name of another article, in that said product, which was composed in part of maple sirup and in part of another product, to wit, sugar sirup other than maple, was an imitation of and offered for sale under the distinctive name of maple sirup, and for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser.

On September 19, 1914, Mervin E. Leslie, trading as Leslie, Dunham & Co., Newark, N. J., claimant, having filed his answer admitting the allegations of the libel and moving a rescission of the former decree pro confesso of the court, ordering the destruction of the property, said decree was ordered rescinded and a new judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of all of the costs of the proceedings and the execution of a good and sufficient bond in conformity with section 10 of the act, one of the conditions of which was that the labels on the cases of the product should be removed and that the product should not be sold as "Pure Vermont Table Syrup" but as a "Compound of Maple and Sugar Syrup."

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*



3677. Adulteration of pork and beans. U. S. v. 25 Cases of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5828. I. S. No. 22177-h. S. No. E-84.)

On August 4, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 24 cans of pork and beans, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on July 24, 1914, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: (On one end) "S9" (On other end) "Housekeeper Brand Pork and Beans With Tomato Sauce—Packed at East Brooklyn Pres. Works, East Brooklyn, Md." Each of the cans was labeled in part: "Contents 2 lbs. 2 oz. Housekeeper Pork & Beans—Tomato Sauce—Packed at East Brooklyn Preserving Works, East Brooklyn, Md."

Adulteration of the product was alleged in the libel for the reason that it had been mixed in a manner whereby inferiority was concealed, and further, for the reason that it consisted in whole or in part of a filthy, decomposed and putrid vegetable substance.

On September 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*

3678. Adulteration of tomato catsup and tomato puree. U. S. v. 2 Half-Barrels and 31 Cases \* \* \* Tomato Catsup and 4 Cases \* \* \* Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5829. I. S. Nos. 9749-h, 9751-h, 9752-h, 9753-h. S. No. W-15.)

On August 3, 1914, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 half-barrels and 31 cases, each case containing 12 one-gallon cans of tomato catsup, and 4 cases, each containing 12 one-gallon cans of tomato puree, remaining unsold in the original unbroken packages, at Portland, Oreg., alleging that the product had been shipped on or about July 25, 1914, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. Twenty-six cases of the catsup were labeled: "C. Olson and Roe T. Company Portland Oregon." The retail packages in these cases were labeled: "Right Kind Please RKP Brand Tomato Catsup—Net Contents 6 lbs. 4 ozs. Contents .001 benzoate of soda—Put up by Pacific Preserve Co. San Francisco and San Leandro. Guaranteed by Pacific Preserve Co. under the Food and Drug Act, June 30, 1906." Five cases were labeled: "K. K. Olson and Roe Transfer Co. of Portland, Oregon." The retail packages therein were labeled: "Contains no benzoate. Pacific Preserve Co. California's Choicest Condiments. Kandy Brand Ketchup—Made of Selected Ripe Tomatoes Without Artificial Color and Without Chemical Preservatives—Pacific Preserve Co., San Francisco—Works at San Leandro, California." Four cases of the puree were labeled: "P. Olson and Roe T. Co., Portland, Oregon." The retail packages therein were labeled: "San Leandro Tomato Puree—Tomatoes packed by Pacific Preserve Co., San Leandro and San Francisco, California. Contents Guaranteed to Comply with the Pure Food Laws." The two half-barrels of catsup were labeled: "Tomato Catsup—Contains 1/10 of 1 per cent benzoate of soda. Pacific Preserve Co. Olson and Roe T. Co. Portland, Oregon."

Adulteration of the products was alleged, in the libel for the reason that there had been mixed with said tomato catsup and said tomato puree, and that said tomato catsup and puree consisted in whole or in part of, filthy, decomposed and putrid vegetable substance.

On September 8, 1914, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should either be sold by the United States marshal for any purpose other than that of food, or destroyed, in accordance with the instructions of the Secretary of Agriculture, as is usual in such cases. On September 10, 1914, the product was destroyed in conformity with the provisions of the foregoing decree.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 12, 1915.

3679. Adulteration of preserved figs. U. S. v. 56 Crates of Preserved Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5830. I. S. No. 28117-h. S. No. C-67.)

On August 3, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 56 crates, each containing 12 one-gallon cans of preserved figs, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been transported from the State of Louisiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The crates were labeled (stenciled): "Ed. Bullard St. Martinsville, La. 12-1 gal. pails." The cans were unlabeled.

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On October 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 13, 1915.*

3680. Misbranding of "Gray's Glycerine Tonic Compound." U. S. v. 12 Cases, More or Less, of "Gray's Glycerine Tonic Compound." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5831. I. S. No. 9590-h. S. No. E-80.)

On August 5, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 cases, each containing one dozen bottles of "Gray's Glycerine Tonic Compound," remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about June 17, 1914, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The shipping containers were labeled: "Gray's Glycerine Tonic Comp. One doz. The Purdue Frederick Co., New York. Formula Dr. John P. Gray. Cent. R. R. N. J. C. B. Smith and Company, Newark N. J." The bottles and wrappers enclosing the same were labeled: "Gray's Glycerine Tonic Comp. Formula Dr. John P. Gray. Contains 11 per cent of alcohol. Guaranteed by the Purdue Frederick Co., under the Food and Drugs Act June 30, 1906. No. 578. This preparation is a combination of glycerine, sherry wine, gentian, taraxacum and phosphoric acid with carminatives. It is especially efficient in diseases of the chest and throat and in cases where cod liver oil is not tolerated. In malnutrition, stomachic derangements, anaemia, nervous prostration, melancholia, catarrhal conditions, and in fact wherever a general tonic is indicated its beneficial effects are noticed almost immediately. It has been tested by prominent physicians in hundreds of cases with unvarying good results. Doses—adults: two teaspoonfuls to a tablespoonful in a little water before meals (or after meals when preferred), coughs, colds, bronchitis: teaspoonful every two hours clear. Children: one half to one teaspoonful. Prepared only by the Purdue Frederick Co., New York. Price one dollar. The Purdue Frederick Co. New York. P. F. Co. Contains 16 fluid oz." On bottle, label, and carton, the following appeared: "It is especially efficient in diseases of the chest and throat and in cases where cod liver oil is not tolerated. In anaemia, melancholia, its beneficial effects are noticed almost immediately." Accompanying each bottle was a circular reading as follows: "In all depressed and exhausted conditions of the system, occurring either independently or as a consequence of disease of the lungs, kidneys, liver, stomach or nervous system, there is serious interference with the patient's processes of nutrition; that is, the digestive powers are so enfeebled that food is not properly digested and assimilated—hence loss of flesh and strength is an inevitable result. Gray's Glycerine Tonic Comp. should be taken in these cases, because by virtue of the selective restorative influence of its ingredients upon the stomach all the functions of this organ are reestablished; appetite is created, digestive powers are restored, and assimilation of food—to replace waste of flesh and strength—is assured.

"It is, therefore, an effective, reliable tonic in nervous exhaustion, general debility, impoverished conditions of the blood and nervous system, Bright's disease, diabetes, diseases of the liver, disorders of the urinary organs, etc.

"In tuberculosis of the lungs (consumption) Gray's Glycerine Tonic Comp. is one of the best remedies. It is recommended by physicians as far superior to cod liver oil, which is irritating to the stomach and too heavy for the feeble digestive organs to assimilate. It always agrees with the stomach and enables the patient to eat, digest and assimilate food; it causes an increase in flesh and strength.

"Gray's Glycerine Tonic Comp. has proved of exceptional remedial value in the following conditions:



"1. It is an unexcelled restorative in that very common class of cases in which there is no positive organic disease, but the patient complains that he 'does not feel well' or 'is out of sorts.' There is loss of appetite and ability to digest food, more or less headache, depression of spirits, inability to sleep, and a general loss of flesh and strength. In these cases, Gray's Glycerine Tonic Comp. speedily restores normal health.

"2. Affections of the respiratory organs associated with cough, expectoration, pain and sense of oppression in the chest. In bronchitis, laryngitis and tuberculosis of the lungs, this tonic relieves excessive dryness of the throat and air passages, allays cough, promotes expectoration of mucus and assists in maintaining or restoring the patient's general health. In ordinary colds and coughs, its good effects are immediately noticed; it is superior to the ordinary cough syrups, all of which are irritating to the stomach and of questionable value. In whooping cough, it reduces the frequency and severity of the fits of coughing and cuts short the course of the disease. It is unequalled as a tonic for the vocal organs. It 'clears the throat' and renders the voice clear and resonant. It is endorsed and used by leading singers and speakers.

"3. Dyspepsia manifested by loss of appetite, inability to digest food, uneasiness and distress after eating, nausea, belching, water-brash, heart-burn, vomiting, etc.; it promptly relieves these symptoms and effects a complete cure.

"4. In nervous exhaustion, neurasthenia and nervousness consequent upon overwork, excesses of any kind, excitement, grief, etc., this tonic quickly allays irritability of the nervous system, insures healthy sleep, engenders appetite and restores tone to the nervous system.

"6. In general debility and nervousness consequent upon diseases of the female reproductive organs, this tonic is of marked value.

"7. In marasmus and malnutrition of children, this tonic constructs flesh and increases strength."

It was alleged in the libel that the product was misbranded within the meaning of the act aforesaid, in that—

(1) The statements on the labels of the bottles and the wrappers enclosing the same, and the statements in the circular accompanying each bottle, as above set forth, were false, fraudulent and misleading.

(2) The statement and design of the labels upon the bottles and the wrappers thereof, and in the circular accompanying each bottle [inasmuch as the article] did not have the curative and therapeutic effect claimed [and they] were therefore false and fraudulent.

On October 19, 1914, C. B. Smith & Co., claimant, Newark, N. J., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to the said claimant upon payment of the cost of the proceedings and the giving of a bond in the sum of \$250, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3681. Misbranding of "Gray's Glycerine Tonic Compound." U. S. v. 12 Cases, More or Less, of "Gray's Glycerine Tonic Compound." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5832. I. S. No. 9591-h. S. No. E-80.)

On August 5, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 cases, each containing one dozen bottles of "Gray's Glycerine Tonic Compound," remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about June 23, 1914, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The shipping containers were labeled: "Gray's Glycerine Tonic Comp. One doz. The Purdue Frederick Co., New York. Formula Dr. John P. Gray. Roeber and Keubler Company, Newark, N. J." The bottles and wrappers enclosing the same were labeled: "Gray's Glycerine Tonic Comp. Formula Dr. John P. Gray. Contains 11 per cent of alcohol. Guaranteed by the Purdue Frederick Co., under the Food and Drugs Act June 30, 1906. No. 578. This preparation is a combination of glycerine, sherry wine, gentian, taraxacum and phosphoric acid with carminatives. It is especially efficient in diseases of the chest and throat and in cases where cod liver oil is not tolerated. In malnutrition, stomachic derangements, anaemia, nervous prostration, melancholia, catarrhal conditions, and in fact wherever a general tonic is indicated its beneficial effects are noticed almost immediately. It has been tested by prominent physicians in hundreds of cases with unvarying good results. Doses—adults: two teaspoonfuls to a tablespoonful in a little water before meals (or after meals when preferred), coughs, colds, bronchitis: teaspoonful every two hours, clear. Children: one half to one teaspoonful. Prepared only by the Purdue Frederick Co., New York. Price one dollar. The Purdue Frederick Co. New York. P. F. Co. Contains 16 fluid oz." On bottle, label, and carton, the following appeared: "It is especially efficient in diseases of the chest and throat and in cases where cod liver oil is not tolerated. In anaemia, melancholia, its beneficial effects are noticed almost immediately." Accompanying each bottle was a circular reading as follows: "In all depressed and exhausted conditions of the system, occurring either independently or as a consequence of disease of the lungs, kidneys, liver, stomach or nervous system, there is serious interference with the patient's processes of nutrition; that is, the digestive powers are so enfeebled that food is not properly digested and assimilated—hence loss of flesh and strength is an inevitable result. Gray's Glycerine Tonic Comp. should be taken in these cases, because by virtue of the selective restorative influence of its ingredients upon the stomach all the functions of this organ are reestablished; appetite is created, digestive powers are restored, and assimilation of food—to replace waste of flesh and strength—is assured.

"It is, therefore, an effective, reliable tonic in nervous exhaustion, general debility, impoverished conditions of the blood and nervous system, Bright's disease, diabetes, diseases of the liver, disorders of the urinary organs, etc. In tuberculosis of the lungs (consumption) Gray's Glycerine Tonic Comp. is one of the best remedies. It is recommended by physicians as far superior to cod liver oil, which is irritating to the stomach and too heavy for the feeble digestive organs to assimilate. It always agrees with the stomach and enables the patient to eat, digest and assimilate food; it causes an increase in flesh and strength.

"Gray's Glycerine Tonic Comp. has proved of exceptional remedial value in the following conditions:

"1. It is an unexcelled restorative in that very common class of cases in which there is no positive organic disease, but the patient complains that he 'does not feel well' or 'is out of sorts.' There is loss of appetite and ability to digest food, more or less headache, depression of spirits, inability to sleep, and a general loss of flesh and strength. In these cases, Gray's Glycerine Tonic Comp. speedily restores normal health.

"2. Affections of the respiratory organs associated with cough, expectoration, pain and sense of oppression in the chest. In bronchitis, laryngitis and tuberculosis of the lungs, this tonic relieves excessive dryness of the throat and air passages, allays cough, promotes expectoration of mucous and assists in maintaining or restoring the patient's general health. In ordinary colds and coughs, its good effects are immediately noticed; it is superior to the ordinary cough syrups, all of which are irritating to the stomach and of questionable value. In whooping cough, it reduces the frequency and severity of the fits of coughing and cuts short the course of the disease. It is unequalled as a tonic for the vocal organs. It 'clears the throat' and renders the voice clear and resonant. It is endorsed and used by leading singers and speakers.

"3. Dyspepsia manifested by loss of appetite, inability to digest food, uneasiness and distress after eating, nausea, belching, water-brash, heart-burn, vomiting, etc.; it promptly relieves these symptoms and effects a complete cure.

"4. In nervous exhaustion, neurasthenia and nervousness consequent upon overwork, excesses of any kind, excitement, grief, etc., this tonic quickly allays irritability of the nervous system, insures healthy sleep, engenders appetite and restores tone to the nervous system.

"6. In general debility and nervousness consequent upon diseases of the female reproductive organs, this tonic is of marked value.

"7. In marasmus and malnutrition of children, this tonic constructs flesh and increases strength."

It was alleged in the libel that the product was misbranded within the meaning of the act aforesaid in that—

(1) The statements on the labels of the bottles and the wrappers enclosing the same, and the statements contained in the circular accompanying each bottle as above set forth, were false, fraudulent, and misleading.

(2) The statements and designs of the labels upon the bottles and wrappers thereof, and in the circular accompanying each bottle [inasmuch as the article] did not have the curative and therapeutic effect claimed [and they] were therefore false and fraudulent.

On October 19, 1914, Roeber & Keubler Co., Newark, N. J., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*



3682. Adulteration and misbranding of catsup. U. S. v. 6 Barrels of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5833. I. S. No. 9755-h. S. No. W-16.)

On August 1, 1914, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 barrels of catsup, remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the product had been shipped on or about July 30, 1914, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: "Relish Catsup  $\frac{1}{2}$  of 1% Benzoate of Soda Or. St. S. P. and P. S. P. Co. Seattle, Washn." On some of the barrels appeared the statement: "Catsup  $\frac{1}{2}$  of 1% Benzoate of Soda."

It was alleged in the libel that said label and branded direction or design was of a sufficient size to be easily read except as to the word "catsup," which was partially obscured by the word "relish," and the general appearance of said label, printed or stenciled matter or design, gave the impression and was designed to give the impression that the food product was pure and of pure vegetable character and substance, except for the presence of said mentioned quantity of benzoate of soda; that each of said mentioned representations and statements contained in said mentioned design, label or branding description, printed, attached or written upon said 6 barrels of catsup, as aforesaid, was false, misleading, and untrue, and said food product was not pure. It was further alleged in the libel that specimens of the food product had been duly examined under the direction and supervision of the Bureau of Chemistry of the Department of Agriculture of the United States and that it duly appeared from said examination that such specimens were misbranded as aforesaid, and, further, that such specimens were adulterated in that said product consisted, in whole or in part, of filthy, decomposed, and putrid vegetable substances, and, further, contained harmful, poisonous, and deleterious bacteria and spores, and that said 6 barrels of catsup were moldy and unfit for consumption or use and injurious to health,<sup>1</sup> to wit: Analysis of the same at the San Francisco laboratory showed mold filaments present in 61 per cent of fields examined; yeasts and spores, 130 per one-sixtieth cubic millimeter; bacteria, 159,350,000 per cubic centimeter; that the presence of said injurious, deleterious, harmful and poisonous ingredients or substances,<sup>1</sup> above described and mentioned, contained in said product, was not declared or mentioned on said label or brand, all in violation of the provisions of the act aforesaid.

On October 26, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

<sup>1</sup> When this case was reported for action no claim was made by this department that the product contained "harmful, poisonous, and deleterious bacteria and spores," and "was injurious to health."



3683. Adulteration of shell eggs. U. S. v. 8 Cases, More or Less, of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5834. I. S. No. 7177-h. S. No. C-68.)

On August 1, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages, at Chicago, Ill., alleging that the product had been shipped on July 29, 1914, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly of a filthy animal substance; further, for the reason that it consisted in part of a filthy animal substance; further, for the reason that it consisted wholly of a decomposed animal substance; further, for the reason that it consisted in part of a decomposed animal substance; further, for the reason that it consisted wholly of a putrid animal substance; and, further, for the reason that it consisted in part of a putrid animal substance.

On September 22, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3684. Adulteration of beans. U. S. v. 50 Bags of Beans, More or Less. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5836, I. S. No. 22457-h. S. No. E-75.)

On August 1, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 bags of beans, more or less, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of Michigan into the State of Maryland and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because it consisted of a filthy, putrid, and decomposed vegetable substance, to wit, decomposed beans.

On August 21, 1914, George F. Ludington and Frank Onion, trading as J. Ludington & Co., Baltimore, Md., claimants, having consented to appear in the case, at the request of Hart Brothers, Saginaw, Mich., the shippers, and admitting by their answer that a portion of the beans were decomposed and averring that the remainder of said beans were not decomposed, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be delivered to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act, one of the conditions of said bond being that none of the beans should be sold or disposed of until they should have been carefully sorted in the presence of a duly authorized inspector or other representative of the United States Department of Agriculture, and the beans which were adulterated should have been separated from those which were not adulterated, and that after said sorting process should have been completed, and not before, such of the beans as were not adulterated might be sold or disposed of by said claimant for human consumption, while those which were adulterated should not be sold or disposed of by said claimant for any purpose other than fertilizer, cattle, hog, or other animal food.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3685. Adulteration of shrimp. U. S. v. 2 Kegs of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5837. I. S. No. 20363-h. S. No. E-79.)

On August 3, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 kegs of shrimp, remaining unsold in the original unbroken packages, at Worcester, Mass., alleging that the product had been transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it contained an added deleterious ingredient, to wit, boric acid, by reason whereof said food might be rendered injurious to health.

On September 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it is was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

**3686. Adulteration and misbranding of so-called brandy. U. S. v. 120 Bottles, More or Less, of a Product Purporting to be Brandy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5839. I. S. No. 21542-h. S. No. E-82.)**

On August 3, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing 12 bottles of a product purporting to be brandy, remaining unsold in the original unbroken packages, at Shenandoah, Pa., alleging that the product had been shipped on June 22, 1914, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipping cases were labeled: "Tissot Freres Brand Cognac Type, P. R. R. Sta. 6, 6/19 (Railroad stamp)." The bottles were labeled: Trade Mark (Design of crown and coat of arms) and the words "Fine Brandy Cognac Type Tissot Freres Brand, Guaranteed under the Pure Food and Drugs Act June 30th, 1906, U. S. Serial No. 2496," with pictorial representation of a grapevine bearing clusters of grapes; on the metal cap thereof a design of crown and coat of arms with word "Cognac"; and on shoulder thereof, label bearing three stars.

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, neutral spirits, colored in imitation of brandy, had been mixed with it so as to reduce and lower its quality and strength, and, further, in that a certain substance, to wit, neutral spirits, colored in imitation of brandy, had been substituted, wholly or in part, for the said brandy, and, further, in that the product had been mixed and colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that each of the bottles containing the product bore the following statement on the label thereof, to wit, "Fine Brandy, Cognac Type, Tissot Freres Brand," which said statement was false and misleading in that said product was not brandy, but an imitation thereof; further, in that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, brandy; and, further, in that it was labeled and branded as follows, to wit, "Fine Brandy, Cognac Type, Tissot Freres Brand," by virtue of which said label and brand the said product purported to be a foreign product, to wit, a product of France, whereas, in truth and in fact, it was not a product of France, but had been produced in the State of New York, in the United States of America.

On September 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*



3687. Adulteration and misbranding of brandy. U. S. v. 2 Barrels, 2 Half-Barrels, and 5 Kegs of Brandy. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5840. I. S. No. 656-h. S. No. W-17.)

On September 28, 1914, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels, 2 half-barrels and 5 kegs of brandy, remaining unsold in the original unbroken packages, at Salt Lake City, Utah, alleging that the product had been shipped on or about June 2, 1914, by Iler & Co., Omaha, Neb., and transported from the State of Nebraska into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that said barrels, half-barrels, and kegs each contained neutral spirits artificially colored and not cognac type brandy as represented, and that the said artificially colored neutral spirits had been substituted for cognac type brandy in such manner as to reduce and lower and injuriously affect the quality and strength of the article.

Misbranding was alleged for the reason that one head of the containers was branded "Cognac Type Brandy Compounded with Grain Distillates" and the other head of said containers was labeled "Brandy—A Compound"; that in the arrangement of the brands aforementioned, and each of them, the word "Brandy" appeared in two-inch type, while the remainder thereof, and particularly the statement "Compounded with Grain Distillates," was in very much smaller type; that the said barrels, half-barrels, and kegs were branded in such a manner as to mislead and deceive the purchaser, in that the barrels, half-barrels, and kegs did not contain cognac type brandy, but instead contained artificially colored neutral spirits, which had been substituted therefor; that the impression created by that part of the brand, to wit, "Cognac Type Brandy," was not corrected by the supplementary statement "Compounded with Grain Distillates," nor the one on the opposite head of each of said containers, "Brandy—A Compound."

On December 22, 1914, the said Iler & Co., a branch of the Standard Distilling & Distributing Co., a corporation, New York, N. Y., having consented to a decree, judgment of condemnation and forfeiture was entered, and it appearing to the court that all the costs of the proceedings had been paid by the said claimant, it was ordered by the court that the product should be delivered to the claimant, upon the execution of bond in the sum of \$400, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

3688. Misbranding of "Family Physician." U. S. v. Houchens Medicine Co. Plea of guilty. Fine, \$75. (F. & D. No. 5844, I. S. No. 9665-e.)

On November 16, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Houchens Medicine Co., a corporation organized under the laws of the State of Delaware, and having a place of business in Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 15, 1913, from the State of Maryland into the District of Columbia, of a certain article of drugs known as "Family Physician," which was misbranded. The drug was labeled: (On carton) "The Family Physician Alcohol 12 per cent Compound For Coughs, Colds, Bronchitis, Hoarseness, Diphtheria, Measles, Scarlet Fever, Typhoid Fever, and Great Blood Purifier. Prepared only by Houchens Medicine Company, Baltimore, Md. Guaranteed by Houchens Medicine Company not adulterated or misbranded within meaning of Pure Food and Drug Law. Serial No. 1957. New Style Adopted. The Public is hereby assured that this is the Genuine and Original Family Physician. Dr. J. T. Houchens. None are Genuine except that manufactured by Houchens Medicine Company, Baltimore Md. Dr. John T. Houchens." (On bottle) "The Family Physician Alcohol 12 Per Cent. Guaranteed under Pure Food and Drugs Act of June 30, 1906. Serial No. 1957. For Coughs, Colds, Bronchitis, Diphtheria, Scarlet Fever, Measles, Typhoid Fever, and all Diseases of Throat and Lungs Prepared by Houchens Medicine Company. Baltimore. Directions. Adult, from one teaspoonful to a tablespoonful. Child 1 month old, 10 to 15 drops in sugar and water, child 3 months old, 25 to 30 drops in sugar and water, child 6 months old,  $\frac{1}{4}$  teaspoonful in sugar and water, child 1 year old  $\frac{1}{2}$  teaspoonful in sugar and water and so on; repeat every four hours. For dangerous and sudden attack of Croup, warm the medicine before giving. For the Blood take morning and night. For Neuralgia take a large dose on retiring. For Dyspepsia one hour after meals. For Diphtheria give a full dose regular, and if the Nostrils are affected pour a little warm Vaseline in the nose while patient lies on their back and mop the throat. For Fever you need not give anything else but this Medicine, it will keep the rash out itself. For Consumptives take only a small dose when cough comes on. We do not claim to cure this disease but it will relieve better than any known remedy. For Headache take as above regular every 4 hours. For Liver, Kidneys, Biliousness, Costiveness and Indigestion, take full dose every four hours. For Cases of Small Pox take plenty and often.—Use freely. Give no Hot Teas, just give the medicine and what Pimples are under the Skin will come out, the rest will be carried off by the medicine. Guaranteed not adulterated or misbranded, within the meaning of Pure Food and Drugs Act of June 30, 1906. Serial No. 1957. Houchens Medicine Company, Baltimore." (On circular, in part) "It will positively relieve malaria, scarlet fever, typhoid, bilious and intermittent fevers, coughs, colds, cold on the liver and kidneys, diphtheria and sore throat. Also a wonderful and positive remedy for dyspepsia, keeps measles out nicely, regulates the bowels without trouble, and by purifying the blood prevents your liability to disease."

Analysis of a sample of the product by the Bureau of Chemistry, of this department, showed that the product was a sirup containing 19.2 per cent non-volatile matter, 8.9 per cent alcohol, anise, and a vegetable cathartic drug.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the said label aforesaid, to wit, (On carton) "Compound for \* \* \* diphtheria, measles, scarlet fever, typhoid fever"; (On bottle) "For

\* \* \* scarlet fever, measles, typhoid fever and all diseases of throat and lungs," were false and fraudulent in this, that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the relief and cure of diphtheria, measles, scarlet fever, typhoid fever, and all diseases of throat and lungs. when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the relief and cure of diphtheria, measles, scarlet fever, typhoid fever, and all diseases of throat and lungs.

Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effect of said article, included in the circular or pamphlet aforesaid, to wit, "It will positively relieve malaria, scarlet fever, typhoid, \* \* \* intermittent fevers, coughs, \* \* \* cold on the liver and kidneys, diphtheria and sore throat. Also a wonderful and positive remedy for dyspepsia, keeps measles out nicely, \* \* \* and by purifying the blood prevents your liability to disease"; were false and fraudulent in that, by means of the said circular or pamphlet they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that the said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the relief of the following diseases, among others, to wit, malaria, scarlet fever, typhoid, intermittent fevers, coughs, cold on the liver and kidneys, diphtheria and sore throat, and effective as a remedy for dyspepsia and effective for preventing measles and liability to disease, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, any ingredients or medicinal agents effective for the relief of malaria, scarlet fever, typhoid, intermittent fevers, coughs, cold on the liver and kidneys, diphtheria and sore throat, or effective as a remedy for dyspepsia or effective for preventing measles and liability to disease.

On January 5, 1915, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$75.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3689. Adulteration of shell eggs. U. S. v. 212 Cases, More or Less, of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5848. I. S. No. 9683-h. S. No. C-69.)

On August 7, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 212 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 1, 1914, and transported from the State of Tennessee into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that when it was so shipped as aforesaid it consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On January 5, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*



3690. Misbranding of "Dr. Martel's Female Pills," U. S. v. 144 Boxes \* \* \* Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5853. I. S. No. 6313-h. S. No. E-87.)

On August 14, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 144 boxes of a certain drug known as "Dr. Martel's Female Pills," remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on February 16, 1914, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended August 23, 1912. The product was labeled: "Dr. Martel's Female Pills—Guaranteed by Knickerbocker Remedy Co., under the Food & Drugs Act, June 30, 1906. Serial No. 23783. A preparation for disturbances of the menstrual functions—Knickerbocker Remedy Co., Distributors—New York, U. S. A. Notice: Insist upon having the Dr. Martel preparations and do not accept substitutes. Knickerbocker Remedy Co. This preparation is designed expressly for physicians' use under whose prescription it is intended to be administered. Price \$2.00 "

It was alleged in the libel that said drug was misbranded in that the package containing the same bore a certain statement which was false and misleading, and for the further reason that the package containing said drug contained a circular which contained statements regarding the curative or therapeutic effect of said drug which were false and fraudulent.

On December 7, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

3691. Adulteration and misbranding of maple sirup, so-called. U. S. v. 6 Cases of Maple Sirup, More or Less. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5854. I. S. No. 25608-h, S. No. E-88.)

On August 11, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases of maple sirup, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been transported from the State of New Jersey into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled: "Pure Vermont Maple Syrup—Hopper, McGaw & Company, Importers and Grocers, Charles & Mulberry Streets, Baltimore, Maryland."

Adulteration of the product was alleged in the libel because there had been mixed and packed with and substituted for maple sirup a sugar sirup, in such a manner as to reduce and lower and injuriously affect its quality and strength. Misbranding was alleged for the reason that the labels on the product were false and misleading, in that they declared the article to be pure Vermont maple sirup, when, in truth and in fact, said product contained 20 per cent sugar sirup. It was further alleged in the libel that the label aforesaid was misleading in that it created the false impression that Hopper, McGaw & Co. were the manufacturers and packers, whereas, in truth and in fact, said product was not manufactured nor packed by the said Hopper, McGaw & Co.

On September 16, 1914, Mervin E. Leslie, trading as Leslie, Dunham & Co., Newark, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of all the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, one of the conditions of said bond being that the labels on the cases of the product should be removed and that the product should not be sold as pure Vermont maple sirup, but should be sold for a compound of maple and sugar sirup.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

3692. Misbranding of "Quickstep, Frye's Remedy." U. S. v. Laura M. Frye. Plea of nolo contendere. Information placed on file. (F. & D. No. 5860. I. S. No. 4309-e.)

At the December, 1914, term of the District Court of the United States within and for the District of Massachusetts, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said court an information against Laura M. Frye, Lynn, Mass., trading as the Frye Remedy Co., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 10, 1913, from the State of Massachusetts into the State of New York, of a quantity of a drug denominated "Quickstep, Frye's Remedy," which was misbranded. The product was labeled: (On carton) "Quickstep, Frye's Remedy Cures Rheumatism, Headache, Constipation, Indigestion and Dyspepsia. Different in every way from other remedies. Best Blood Purifier in the World and Leaves no injurious Effects Cures when everything else fails." (On wrapper of cans) "Quickstep, Frye's Remedy for Rheumatism and all diseases caused by Poor Blood, never failing in hopeless Chronic cases of Muscular Rheumatism, Inflammatory Rheumatism, Rheumatic Gout, Neuralgia, Sciatica, Constipation, Malaria, Headache, Biliousness, Indigestion, Insomnia, Nervous Affections, Loss of Vigor. Is the Best Blood Purifier and Spring Medicine. It corrects the action of the Stomach, Liver, Bowels, Kidneys and Circulation. Limbers, Quickens and Strengthens the Muscles, softens and absorbs the deposits, and restores the system to its natural condition. What more can medicine do for any disease? Contains no Salicylates, or other injurious ingredients, and leaves no injurious effects. It is different from all other remedies, and necessarily should be to cure you." (On leaflet) "Frye's remedy. Cures when everything else fails. The best blood purifier and circulator in the world." "For headache and indigestion take half a teaspoonful in half a glass of water any time when needed; cures quickly." "The remedy that cures chronic rheumatism. Prevents appendicitis by purifying the blood and keeping the bowels clear and clean."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the presence of 99.81 per cent of potassium sodium tartrate with a very small amount of pink colored granulated sugar.

Misbranding of the product was alleged in the information for the reason that the following statements regarding its therapeutic or curative effects, appearing on the packages or cartons aforesaid, to wit, "Frye's remedy cures rheumatism, headache, constipation, indigestion and dyspepsia." "Best blood purifier in the world \* \* \*" were false and fraudulent, in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof, the impression and belief that the article was, in whole or in part, composed of, and contained, ingredients or medicinal agents effective, among other things, for the cure of rheumatism, headache, indigestion and dyspepsia, and effective for purifying the blood, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the cure of rheumatism, headache, indigestion and dyspepsia, or effective for purifying the blood. Misbranding was alleged for the further reason that the following further statements regarding its therapeutic or curative effect appearing on the label of the retail cans aforesaid, to wit, "Frye's Remedy for rheumatism and all diseases caused by poor blood, never failing in hopeless chronic cases of muscular rheumatism, inflammatory rheumatism, rheumatic gout, neuralgia, sciatica, constipation, malaria, headache, biliousness indigestion, insomnia, nervous affections, loss of vigor," were false and fraudulent, in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent

falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof, the impression and belief that it was, in whole or in part, composed of, and contained, ingredients or medicinal agents effective, among other things, for the cure of rheumatism and all diseases caused by poor blood, and chronic cases of muscular rheumatism, inflammatory rheumatism, rheumatic gout, neuralgia, sciatica, malaria, headache, biliousness, indigestion, insomnia, nervous affections, loss of vigor. when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the cure of rheumatism and all diseases caused by poor blood, and chronic cases of muscular rheumatism, inflammatory rheumatism, rheumatic gout, neuralgia, sciatica, malaria, headache, biliousness, indigestion, insomnia, nervous affections, loss of vigor. Misbranding was alleged for the further reason that the following statements, regarding the therapeutic or curative effect thereof, appearing in the printed leaflet aforesaid, to wit, "Cures when everything else fails—Best blood purifier and circulator in the world;" "For headache and indigestion take half a teaspoonful in half a glass of water any time when needed: cures quickly;" "The remedy that cures chronic rheumatism;" "Prevents appendicitis by purifying the blood and keeping the bowels clear and clean," were false and fraudulent in this, that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of the purchasers thereof, the impression and belief that said article was, in whole or in part, composed of, and contained, ingredients or medicinal agents effective, among other things, for curing headache and indigestion, chronic rheumatism, and for preventing appendicitis, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective for the cure of headache, indigestion, chronic rheumatism, or preventing appendicitis.

On December 14, 1914, the defendant entered a plea of *nolo contendere* to the information, and the same was placed on file by the order of the court.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *March 26, 1915.*



3693. Adulteration and misbranding of ferro-china bitters and gran liquore della stella. U. S. v. 2 Cases of Bitters and Liquors. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5863. I. S. Nos. 26510-h, 26511-h, 26512-h. S. No. E-90.)

On August 15, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases of bitters, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the products had been shipped on or about July 24, 1914, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. One of the cases was labeled: "Ferro-China." The bottles in this case were labeled: "Ferro-China-Bitters. Iron Bitters. Liquore Tonico. Questa Liquore fatto a base di Ferro e China con erbe molto benefiche per gli anemici, e per coloro che soffrono di inappeenze ecc. E 'raccomandato da celebrato' Mediche. This liquor is a compound of Iron-China, and other herbs, Benefitting those suffering from Dyspepsia, lack of appetite, etc., and is recommended by medical celebrities." The label also had upon it white circles bearing the word "Anti-malarico." The words "Ferro-China" were blown in each bottle. On the metal cap of the bottle were the words "Ferro-China." On the neck band of the bottle were the words "Ferro-China Bitters." On the small square sticker on the bottle were the words "Bevete Il Ferro" and a tiger's head. The bottles in the other case were labeled: (On the neck of each bottle) "Stomachic Digestive." (On the circular label on each bottle) "Marca Di Fabbrica Depositata." (On the principal label) "Gran Liquore Della Stella, Specialita Italiana."

Adulteration of the products was alleged in the libel for the reason that a substance, to wit, methyl alcohol, had been mixed and packed therewith so as to reduce, lower, and injuriously affect the quality and strength thereof, and for the further reason that methyl alcohol had been substituted wholly or in part for ethyl alcohol, and further for the reason that the products contained a deleterious ingredient, to wit, methyl alcohol, which might render the same injurious to health. Misbranding was alleged for the reason that the products contained alcohol and there was no statement on the labels thereof of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the labels on the bottles containing the products were so constructed as to convey the impression that said products were of foreign origin, which was false and misleading.

On December 3, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

3694. Adulteration of shell eggs. U. S. v. 20 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5864. I. S. No. 21726-h. S. No. C-73.)

On August 14, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 5, 1914, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article of food, when so shipped as aforesaid, consisted wholly of a filthy animal substance; further, for the reason that it consisted in part of a filthy animal substance; further, for the reason that it consisted wholly of a decomposed animal substance; further, for the reason that it consisted in part of a decomposed animal substance; further, for the reason that it consisted wholly of a putrid animal substance; and further, for the reason that it consisted in part of a putrid animal substance.

On September 22, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3695. Adulteration of evaporated apples. U. S. v. 15 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5865. I. S. No. 20426-h. S. No. C-72.)

On August 15, 1914, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 boxes, approximating 750 pounds, of evaporated apples, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the product had been transported from the State of Illinois into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product, which consisted in whole and in part of a filthy vegetable substance, was shipped in original unbroken packages and consigned as apples, whereas, in truth and in fact, the said substance was a substance which consisted in whole and in part of a filthy vegetable substance as aforesaid, in violation of section 7, in case of foods, paragraphs 1, 2, and 6, of the Food and Drugs Act, in that said apples were a filthy vegetable substance and also contained an excessive amount of water which had been mixed and packed with and substituted for the article in such a manner as to reduce its quality, and [it] was unfit and improper for use as food.

On November 9, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

3696. Adulteration of shrimp. U. S. v. 1 Keg of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5870. I. S. No. 20371-h. S. No. E-92.)

On August 17, 1914, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 keg of shrimp, remaining unsold in the original unbroken package at Providence, R. I., alleging that the product had been shipped on or about August 5, 1914, and transported from the State of New York into the State of Rhode Island, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the shrimp contained a certain added deleterious substance, to wit, boric acid, an ingredient detrimental to the health of persons consuming the same, in quantity sufficient to render said shrimp injurious to health, to wit, 1.33 per cent by weight.

On October 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*



3697. Adulteration of shell eggs. U. S. v. 14 Cases, More or Less, of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5872. I. S. No. 28951-h. S. No. C-74.)

On August 19, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 cases, more or less, each case containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 14, 1914, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that when it was so shipped as aforesaid it consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On November 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3698. Adulteration of shell eggs. U. S. v. 7 Cases, More or Less, of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5873. I. S. No. 28952-h. S. No. C-75.)

On August 20, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 11, 1914, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the product aforesaid, when it was shipped as aforesaid, consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On November 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3699. Adulteration and misbranding of so-called liquors. U. S. v. 2 Cases of Liquors. Default decree of condemnation and forfeiture. Product labeled "Sambuca," etc., ordered destroyed. Product labeled "Stella," etc., ordered sold by the United States marshal. (F. & D. No. 5876. I. S. Nos. 9469-h, 9470-h. S. No. E-93.)

On August 24, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 12 bottles of so-called liquor, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about July 25, 1914, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. One of the cases was labeled: "Sambuca. Milan Importing Co. M. Petillo, 40 Stone St., Newark, N. J. American Express Co., New York. Route 18. No. 331 to 3." The bottles in this case were labeled: (Neck label) "Milan Importing Co." (Shoulder label) "Purity Guaranteed by Milan Importing Co. Under the Pure Food and Drugs Act, June 30th, 1906, Serial No. 58417. Made in New York." (Main label) "Sambuca Extra Fina. Panorama di Napoli (design of bay and volcano, medals of award, and coat of arms) Milan Importing Co., New York. Sambuca Extra Fina."

Adulteration of this product was alleged in the libel for the reason that a substance, to wit, methyl alcohol, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that a substance, to wit, methyl alcohol, had been substituted wholly or in part for ethyl alcohol; and for the further reason that the product contained a deleterious ingredient, to wit, methyl alcohol, which might render the same injurious to health. Misbranding of this product was alleged for the reason that the labels on the bottles containing the same were so constructed as to convey the impression that the product was of foreign origin, which was false and misleading.

The other case of liquor was labeled: "Stella. Milan Importing Co. M. Petillo, 40 Stone St., Newark, N. J. American Express Co., New York 332." Each of the bottles of this case was labeled: (Neck label) "Marco di Fabrica Depositata (design of coat of arms)." (Small label above main label) "Marca di Fabrica Depositata (design coat of arms and medals of award)." (Main label) "Gran Liquore Della Stella (design of medals of award and coat of arms) Specialita Italiana." (Blown in bottle) "Ditta G. Alberti, Benevento."

Misbranding of the product in this case was alleged in the libel for the reason that the labels on the bottles containing the same were so constructed as to convey the impression that the product was of foreign origin, which was false and misleading.

On December 4, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the case of liquor labeled "Sambuca," etc., should be destroyed, and that the case of liquor labeled "Stella," etc., should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3700. Adulteration of shell eggs. U. S. v. 19 Cases, More or Less, of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5877. I. S. No. 28953-h. S. No. C-76.)

On August 21, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 cases, more or less, each case containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 13, 1914, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the product aforesaid, when it was shipped as aforesaid, consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On November 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered; and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *March 26, 1915.*





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# U. S. DEPARTMENT OF AGRICULTURE, BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

## SERVICE AND REGULATORY ANNOUNCEMENTS.<sup>1</sup> SUPPLEMENT.

N. J. 3701-3750.

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**3701. Adulteration and misbranding of so-called very fine brandy and so-called choice brandy. U. S. v. 2 Half-Barrels and 2 Kegs of \* \* \* "Very Fine Brandy" and 1 Half-Barrel and 2 Kegs of \* \* \* "Choice Brandy." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5878. I. S. Nos. 661-h, 662-h. S. No. W-20.)**

On September 28, 1914, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 half barrels and 2 kegs of so-called "Very Fine Brandy," and 1 half barrel and 2 kegs of so-called "Choice Brandy," remaining unsold in the original unbroken packages, at Salt Lake City, Utah, alleging that the product had been shipped on or about March 7, 1914, and transported from the State of Kentucky into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted of neutral spirits artificially colored and not of very fine brandy and choice brandy, as represented as aforesaid, and that said neutral spirits artificially colored had been substituted for very fine brandy and choice brandy in such a manner as to reduce, lower, and injuriously affect the quality thereof.

Misbranding was alleged for the reason that the 2 half barrels and 2 kegs of brandy were labeled in conspicuous type "Very Fine Brandy," beneath which said label appeared, in very much smaller type, the statement, "Grape Brandy Compounded with Grain Distillates"; that the containers of said product labeled "Very Fine Brandy" bore shipping cards inscribed "D. Marino & Co. Salt Lake City, Utah, D. Sachs and Sons, Louisville, Ky."; that said shipping cards were so placed on each of the said containers as to cover and completely obscure the statement, "Grape Brandy compounded with Grain Distillates," and that said shipping cards, placed and fixed as aforesaid upon each of the said containers, left on each as the only apparent label that of "Very Fine Brandy."

<sup>1</sup> The Service and Regulatory Announcements of the Bureau of Chemistry are published in conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by the various branches of the department. During 1915 they will be issued as often as necessary rather than each month, as in 1914, and will be numbered consecutively, beginning with S. R. A., Chem. 13.

Notices of judgment are issued as supplements to the Service and Regulatory Announcements of the Bureau of Chemistry. Beginning with January, 1915, they will be numbered and paged independently of the Service and Regulatory Announcements, the first number being designated as S. R. A., Chem. Suppl. 1.

Free distribution is limited to firms, establishments, journals, and individuals especially concerned. Others desiring copies may obtain them by purchase from the Superintendent of Documents, Government Printing Office, Washington, D. C.



Misbranding of the other product was alleged for the reason that the containers thereof were labeled in large type, "Choice Brandy," beneath which said label on each of the said containers appeared in very much smaller type the legend, "Grape Brandy Compounded with Grain Distillates"; that each of said containers was labeled "Choice Brandy" as aforesaid, and bore shipping tags inscribed, "D. Marino & Co., Salt Lake City, Utah, D. Sachs and Sons, Louisville, Ky."; that said shipping tags were so placed and fixed upon the said containers as to cover and entirely obscure the legend, to wit, "Grape Brandy Compounded with Grain Distillates"; that by reason of the fixing of said shipping tags as aforesaid the only label apparent on said containers labeled "Choice Brandy," and each of them, was that of "Choice Brandy."

On December 7, 1914, Morris D. Sachs, Edward Sachs, and Samuel Haas, partners, trading under the name of D. Sachs & Sons, Louisville, Ky., claimants, having consented to a decree of condemnation, and having agreed to pay costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimants upon the execution by them of a good and sufficient bond in the sum of \$300, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3702. Adulteration of shell eggs. U. S. v. 27 Cases \* \* \* of Shell Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5879. I. S. Nos. 28305-h, 9688-h. S. No. C-78.)

On August 24, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 27 cases containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 12, 1914, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that when it was so shipped as aforesaid, it consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On November 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3703. Adulteration of shell eggs. U. S. v. 28 Cases, more or less, of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5880. I. S. Nos. 9687-h, 28304-h. S. No. C-77.)**

On August 24, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 28 cases, more or less, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 13 and 14, 1914, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that when it was so shipped as aforesaid it consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On November 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3704. Misbranding of "Radway's Ready Relief." U.S.v.Radway & Co. Plea of guilty. Fine, \$50. (F. & D. No. 5881. I. S. No. 7951-e.)**

On December 9, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Radway & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on December 20, 1912, from the State of New York into the State of Ohio, of a quantity of "Radway's Ready Relief," so called, which was misbranded. The product was labeled: (On wrapper) "Guaranteed by Radway & Co. N. Y. under the Food and Drugs Act, June 30, 1906. No. 537. R. R. R. Radway's Ready Relief. Price 50 cents. Internal External. Will instantly Stop Pain and is a cure for Rheumatic, Neuralgic, Nervous and Malarious Complaints. Radway & Co. Alcohol. 27 Per Cent. Radway & Co. New York sole proprietors of the R. R. R. Relief. Radway's Renovating Resolvent and Radway's Regulators, the use of which will stop pain, prevent sickness and cure disease." (On bottle) "Directions. For External Use: Apply by the hand rubbing it on well, or saturate a piece of flannel with it and place over the affected part. R. R. R. For Internal Use: Twenty drops to a teaspoonful in half a tumbler of water. Guaranteed under the Food and Drugs Act, June 30, 1906. No. 537. by Radway & Co., New York. Entd. Acord. To Act of Congress."

(On printed circular, in part): "This remedy will relieve rheumatism, sore throat, pleurisy, pneumonia \* \* \* headache \* \* \* burns and scalds, spinal affections \* \* \* fevers \* \* \* dysentery \* \* \* cholera \* \* \* paralysis.

"Rheumatism. \* \* \* the Relief is more particularly recommended for the Chronic form, though in all cases of Inflammatory Rheumatism, its use is invaluable in every case subduing the pain. In Chronic Rheumatism, it not only gives immediate relief to the pain, but perseverance in its use insures a permanent cure.

"The above expression, taking cold, comprehends all such cases as lumbago, or pain in the loins, pleurisy, or acute pain about the chest, sore throat, etc. In each and all of these cases, the Ready Relief should be applied freely and well rubbed in, around the affected parts, until a burning sensation is felt, and it will be found that Radway's Relief supplies at once everything that could be desired as a quick, powerful, convenient, safe, and reliable remedy.

"Cholera. The Relief is almost a specific in this terrible epidemic; if used in time, will save nearly every case.

"Chills and fever. \* \* \* The Relief should be taken internally, in teaspoonful doses during the intermission, and swallow four or five Regulating Pills on retiring to bed. Persons living in an agueish district should never be without it, as a dose of it taken when an attack is expected, will frequently prevent it. As a preventive it will be found of the greatest possible value, and a dose should be taken by all persons before they venture out in malarious districts before breakfast in the morning or after sunset. We believe it to be a perfect protection against the poison of chills and fever, and the congestive fevers of the western country.

"Kidney diseases. \* \* \* in limestone districts, persons affected with bladder or kidney troubles should add a few drops of the Relief in the water before drinking. It acts as a preventive against the formation of concretions, gravel, or calculi, by its chemical action in the lime contained in these deposits."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it was essentially a hydroalcoholic solution of oleoresin of capsicum, camphor, and ammonia, containing 27.7 per cent alcohol and 1.3 per cent ammonia.

Misbranding of the product was alleged in the information for the reason that the statements appearing on the label, "Radway's Ready Relief \* \* \* is a cure for Rheumatic \* \* \* and Malarious Complaints," regarding the article and the in-



redients and substances contained therein, were false and misleading in that they indicated that said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective as a cure for rheumatic and malarious complaints, whereas, in truth and in fact, the said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal effects [agents] effective as a cure for rheumatic and malarious complaints.

Misbranding was alleged for the further reason that the statements appearing on the printed pamphlet or circular, in part set forth above, regarding the article and the ingredients and substances therein contained, were false and misleading in that they indicated that the article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the relief, cure, and prevention of the following diseases, among others, to wit, "rheumatism, pleurisy, pneumonia, dysentery, cholera, chills and fever, and kidney diseases"; whereas, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, any ingredients or medicinal agents effective for the relief, cure, or prevention of rheumatism, pleurisy, pneumonia, dysentery, cholera, chills and fever, and kidney diseases.

Misbranding was alleged for the further reason that the label bore certain statements regarding the curative and therapeutic effects of the said article and of the ingredients and substances therein contained, to wit, "Radway's Ready Relief \* \* \* is a cure for Rheumatic \* \* \* and Malarious Complaints," which were false and fraudulent in that said statements were applied to said article in disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers and to create in the minds of purchasers the impression and belief that said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective as a cure for rheumatic and malarious complaints, whereas, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective as a cure for rheumatic or malarious complaints.

Misbranding was alleged for the further reason that the package contained a printed pamphlet or circular, which bore statements regarding the curative and therapeutic effects of said article and of the ingredients and substances therein contained, to wit, as set forth in part above, which statements were false and fraudulent in that said statements were applied to said article in disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers and create in the minds of purchasers the impression and belief that said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the relief, cure, and prevention of rheumatism, pleurisy, pneumonia, dysentery, cholera, chills and fever, paralysis, and kidney diseases, whereas, in truth and in fact, the said article was not, in whole or in part, composed of, and did not contain, any ingredients or medicinal agents effective for the relief, cure, or prevention of rheumatism, pleurisy, pneumonia, dysentery, cholera, chills and fever, paralysis, and kidney diseases.

On December 14, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3705. Adulteration of shell eggs. U. S. v. 13 Cases \* \* \* Shell Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5882. I. S. No. 21728-h. S. No. C-81.)

On August 25, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 17, 1914, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that when it was shipped, as aforesaid, it consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On November 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3706. Adulteration and misbranding of vinegar. U. S. v. 15 Barrels of Vinegar, more or less. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5884. I. S. Nos. 28106-h, 28132-h, 28134-h. S. No. C-79.)**

On August 26, 1914, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 barrels, more or less, of vinegar, remaining unsold in the original unbroken packages at Lexington, Ky., alleging that the product had been shipped on June 23 and July 29, 1914, and transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. Ten of the barrels were labeled: (On one head) "Curry, Brown & Snyder, Incorporated, Pure, fermented apple cider vinegar, Climax Brand, Lexington, Ky." (On other head) "Distributors, June, 1914, Reduced to legal standard with water, Curry, Brown & Snyder, Lexington, Ky."

It was alleged in the libel that the product contained in the said 10 barrels was misbranded in that said barrels were branded as aforesaid, and that said brands were false and misleading in that there had been mixed and packed with said food product another substance—to wit, water—whereby the quality and strength of the food product contained in the barrels was reduced, lowered, and injuriously affected, and that said water had been substituted in part for the vinegar, and each of said barrels of vinegar was adulterated in violation of section 7 of the Food and Drugs Act, in that said product purporting to be pure fermented apple cider vinegar of legal standard had had water mixed with and substituted for said vinegar in such a manner as to reduce, lower, and injuriously affect its quality and strength.

Three of the barrels were labeled: (On one head) "Curry, Brown & Snyder, Incorporated, Pure apple cider vinegar, Climax Brand, Lexington, Ky." (On reverse end) "Fermented June, 1914, reduced to legal standard with water. Curry, Brown & Snyder, Lexington, Ky." Two of the barrels were labeled: (On one head) "Curry, Brown & Snyder, Incorporated, Pure fermented apple cider vinegar, Climax Brand, Lexington, Ky." (On reverse end) "June, 1914, reduced to legal standard with water, Curry, Brown & Snyder, Lexington, Ky."

It was alleged in the libel that said labels purported and represented that the product was pure fermented apple cider vinegar reduced to legal standard with water, when, in truth and in fact, each of said barrels of vinegar consisted in part of water which had been substituted and mixed with said vinegar so as to reduce and lower and injuriously affect its quality and strength, and that said water had been substituted for vinegar in each of said barrels and had been mixed and packed with a substitute [and substituted] for vinegar in such quantities as to reduce, lower, and injuriously affect the quality and strength of the vinegar contained in each of said barrels, thereby [misleading and] misbranding same, deceiving, and misleading the purchasers in violation of the Food and Drugs Act, June 30, 1906. It was further alleged that the product consisted in part of water which had been substituted for and mixed with the vinegar, and thereby reduced, lowered, and injuriously affected its quality and strength, and that said water as so mixed and packed with said vinegar rendered the vinegar adulterated in violation of the Food and Drugs Act.

On October 26, 1914, the Ohio Cider Vinegar Co., a corporation, Cincinnati, Ohio, claimant, having filed its answer, admitting the allegations in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$400, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.



**3707. Adulteration and misbranding of pomégranate sirup and sambuca, and misbranding of vermouth. U. S. v. 3 Cases of Liquors or Beverages. Default decree of condemnation and forfeiture. Case of sambuca ordered destroyed. Case of pomegranate sirup ordered sold. (F. & D. No. 5885. I. S. Nos. 26521-h, 26522-h, 26523-h. S. No. E-98.)**

On August 28, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases of liquors or beverages, one of which contained pomegranate sirup, another sambuca, and the third vermouth, remaining unsold in the original unbroken packages at Harrison, N. J., alleging that the product had been shipped on or about July 24, 1914, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The pomegranate sirup was labeled: (On case) (Wood case) (Adams Express Co. collect sticker form block 952-A showing transfer of 3 piece shipment) "34 Dominico Notte, 25 Cleveland Ave., Harrison, N. J." (2 sides) "Granatina." (2 ends) (Been scraped, old box). (On retail packages) (Foreign appearing coat of arms). "Scioppo Granatina" (Gold scroll and fern spray).

Adulteration of this product was alleged in the libel for the reason that a substance—to wit, artificially flavored and colored sugar sirup—had been substituted for pomegranate sirup in such manner as to reduce and lower its quality and strength, and, further, for the reason that a substance—to wit, artificially flavored and colored sugar sirup—had been substituted wholly or in part for pomegranate sirup. Misbranding was alleged for the reason that the labels on the bottles containing the product, having the name thereof printed in Italian, without a statement that the product was made in America, were so constructed as to convey the impression that the product was of foreign origin, which was false and misleading.

The case containing the sambuca was labeled: (Wood case) (Adams Express Co. collect sticker form block 952-A showing transfer of 3 piece shipment) (One end) "Sambuca" (Other end) (Plain) (One side) "Milan Importing Co." (Other side) "Fragile." The retail packages in this case were labeled: (Neck band) "Milan Importing Co." (On shoulder sticker in very small type) "Purity guaranteed by Milan Importing Company under the Pure Food and Drugs Act June 30th, 1906, Serial No. 58417. Made in New York." (Principal label) "Sambuca Extra Fina Panorama di Napoli." (Harbor of Naples with volcano in background surrounded by numerous foreign appearing medals) (Foreign coat of arms) "Milan Importing Co. New York. Sambuca Extra Fine."

Adulteration of this product was alleged in the libel for the reason that a substance—to wit, methyl alcohol—had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a substance—to wit, methyl alcohol—had been substituted wholly or in part for ethyl alcohol, and, further, for the reason that the product contained a deleterious ingredient—to wit, methyl alcohol—which might render the same injurious to health. Misbranding was alleged for the reason that the labels on the bottles containing the product, bearing pictorial representations of medals of award, a bay, a smoking volcano, etc. and the words "Sambuca Extra Fina Panorama di Napoli," were so constructed as to convey the impression that the product was of foreign origin, which was false and misleading.

The retail packages of vermouth were labeled: (On neck band in very small type) "Liquid contents thirty one ounces, 18% alcohol by volume, artificially colored. Purity guaranteed by Milan Importing Co. under the Pure Food and Drugs Act June 30th, 1906, Serial number 58417. Made in New York." (Shoulder label) "Extra." (Principal label) (The entire label profusely embellished with a mass of foreign flags, crowns, coats of arms, foreign appearing medals, foreign figures, scrolls, etc.) "Vino Vermouth di Torino."



Misbranding of this product was alleged in the libel for the reason that the labels on the bottles containing the same, bearing pictorial representations of medals of award, foreign flags, etc., were so constructed as to convey the impression that the product was of foreign origin, which was false and misleading.

On December 4, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered as to two cases of the product and it was ordered by the court that the case of sambuca should be destroyed by the United States marshal, and that the case of pomegranate sirup should be sold by the United States marshal. The case of vermouthe was not attached by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3708. Adulteration and misbranding of catsup. U. S. v. 70 Cases of Catsup, more or less. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5887. I. S. No. 6622-h. S. No. E-99.)**

On August 29, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 70 cases, more or less, each containing 24 bottles of catsup, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on March 16, 1914, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Challenge Brand Tomato Catsup—Packed for John T. Connor Co., Boston, Mass.—Free from artificial color—This catsup is made of Choice Tomatoes, the Finest Spices, Onions, Distilled Vinegar, Granulated Sugar, Salt, and prepared with 1/10 of 1 per cent Benzoate of Soda—This catsup is made from whole Ripe Tomatoes grown in the most fertile part of New Jersey and made under sanitary conditions." (On neck label) "This catsup is made of choice tomatoes, the finest spices, onions, distilled vinegar, granulated sugar, salt, and prepared with 1/10 of 1% Benzoate of Soda."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance. Misbranding was alleged for the reason that each of the bottles containing the said article of food bore the following statement on the label thereof, to wit, "This catsup is made of choice tomatoes \* \* \* This catsup is made from whole ripe tomatoes grown in the most fertile part of New Jersey and made under sanitary conditions," which said statement purported that the article of food was of superior quality, and which said statement was false and misleading in that the said article of food was not of superior quality, but consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On September 28, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

**3709. Adulteration and misbranding of sambuca liquor. U. S. v. 2 Cases of Sambuca Liquor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5888. I. S. No. 9473-h. S. No. E-95.)**

On August 28, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 12 bottles of so-called liquor, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about July 24, 1914, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled: "F. R. Marzulli, 164 Eighth Ave., Newark, N. J. Sambuca. Milan Importing Co." The bottles were labeled: (Neck label) "Milan Importing Co." (Shoulder label) "Purity guaranteed by Milan Importing Co. under the Pure Food and Drugs Act, June 30th, 1906, Serial No. 58417. Made in New York." (Main label) "Sambuca Extra Fina. Panorama di Napoli (design of bay and volcano, medals of award and coat of arms) Milan Importing Co., New York, Sambuca Extra Fina."

Adulteration of the product was alleged in the libel for the reason that a substance—to wit, methyl alcohol—had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that a substance—to wit, methyl alcohol—had been substituted wholly or in part for ethyl alcohol; and for the further reason that the article contained a deleterious ingredient—to wit, methyl alcohol—which might render the same injurious to health. Misbranding was alleged for the reason that the labels on the bottles containing the product, bearing pictorial representations of a bay, volcano, medals of award, coat of arms, and the words, "Sambuca Extra Fina Panorama di Napoli," were so constructed as to convey the impression that the product was of foreign origin, which was false and misleading.

On November 13, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3710. Adulteration of shell eggs. U. S. v. 15 Cases \* \* \* Shell Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5892. I. S. No. 28306-h. S. No. C-80.)

On September 1, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 22, 1914, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that when it was shipped, as aforesaid, it consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On November 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*



**3711. Adulteration of shell eggs. U. S. v. 300 Cases and 422 Cases, more or less, of Shell Eggs. Consent decree of condemnation and forfeiture. Part of product ordered destroyed; balance ordered delivered to claimant. (F. & D. No. 5893. I. S. Nos. 11401-k, 11402-k. S. No. C-82.)**

On September 2, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 300 cases and 422 cases of shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on July 13 and 16, 1914, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that when it was so shipped as aforesaid, it consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On November 16, 1914, the cause coming on to be heard, upon the libels and amended answers heretofore filed by the Perfection Egg Co., claimant, of Chicago, Ill., and upon motion of the United States for an order granting leave to withdraw the allegations in said libels charging that the shell eggs were adulterated in that they consisted wholly of a filthy animal substance, in that the shell eggs consisted in part of a filthy animal substance, in that the shell eggs aforesaid consisted wholly of a decomposed animal substance, and in that the shell eggs aforesaid consisted wholly of a putrid animal substance; and upon the motion of said United States attorney for an order declaring the shell eggs aforesaid to be adulterated in that they were in part decomposed and in part putrid; and it appearing to the court, and by consent of the parties, that the shell eggs were adulterated in violation of the Food and Drugs Act in that they were in part decomposed and were in part putrid, and it further appearing to the court to be necessary to separate such eggs as might be in part decomposed and in part putrid from such eggs as might be fit for food, it was therefore ordered and adjudged that the shell eggs were adulterated in that they were in part decomposed and in part putrid. It was further ordered by the court that the United States marshal should grant permission to certain parties to examine, upon the premises where the eggs were stored, the shell eggs aforesaid by means of the candling process. It was further ordered that said parties be directed to examine the shell eggs by means of the candling process, and in the employment of said process to separate such shell eggs as in their judgment should have whole yolks not stuck to the shells and not containing blood rings nor blood clots, and showing no mold, which should be designated as "good eggs," and that the remainder of said shell eggs should by said persons be designated as "bad eggs"; and after the said shell eggs should have been so designated as good eggs and bad eggs, as aforesaid, the good eggs should be plainly marked as such, and segregated by said persons from the eggs designated by them as bad eggs; and it was further ordered that the United States marshal be directed to destroy the shell eggs so segregated and designated as bad eggs, and further to deliver to the Perfection Egg Co., claimant, the shell eggs aforesaid so segregated from the entire quantity of shell eggs and designated as good eggs. It was further ordered that the costs in the action should be paid by said claimant.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., March 26, 1915.

**3712. Adulteration of shell eggs. U. S. v. 25 Cases \* \* \* Shell Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5896. I. S. No. 7593-h. S. No. C-84.)

On September 2, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 30 dozen shell eggs, remaining unsold in the original packages at Chicago, Ill., alleging that the product had been shipped on August 28, 1914, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that when it was so shipped as aforesaid it consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On November 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3713. Adulteration of shell eggs. U. S. v. 12 Cases \* \* \* Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5897. I. S. No. 11901-k. S. No. C-85.)**

On September 2, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 26, 1914, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that when it was so shipped as aforesaid it consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On November 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3714. Misbranding of "Seawright Magnesial Lithia Water." U.S.v.138 Cases \* \* \* "Seawright Magnesial Lithia Water." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5898. I. S. No. 22190-h. S. No. E-101.)**

On September 4, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 138 cases, each containing 12 bottles of "Seawright Magnesial Lithia Water," remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on April 7 and July 18, 1914, and transported from the State of Virginia into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The cases were labeled: "Seawright Magnesial Lithia Spring Co., Nature's Nervine. E. R. Edmondson, Manager, Staunton, Va." The bottles were labeled: (On paper seal over cork) "Seawright Magnesial Lithia Water." (On principal label) "*Do Not buy unless our Label is over the Cork.* Use no other Water while Drinking this. E. L. Edmondson, President, Edwin R. Edmondson, Sec'y and Treas. Seawright Magnesial Lithia Spring Company. A Light Gaseous Water, will keep indefinitely without precipitation. Nature's Nervine, Quiets the nerves and induces sleep. Invaluable in all diseases of the Stomach, Liver or Kidneys, Stone in the Bladder, &c. Relieves Dyspepsia, Constipation, Rheumatism, Gout, &c. A sure remedy for Eruptions and all Diseases of the Skin, Ulcerated Stomach, Sore Eyes, &c. For Insomnia, Drink Freely Before Retiring. For Constipation, Drink Freely before Meals. Seawright Magnesial Lithia Spring Company, Lock Box 372, Staunton, Va.

"Analysis: Sodium Chloride, .422; Calcium Sulphate, .224; Potassium Sulphate, .104; Strontium Sulphate, trace; Aluminium Phosphate, trace; Alumina, .087; Silica, .309; Organic Matter, .350; Carbon de Oxide, 60.266 Cubic In.; Calcium Bicarbonate, 15.494; Magnesium Bicarbonate, 11.161; Sodium Bicarbonate, 1.862; Lithium Bicarbonate, .064; Iron, distinct trace.

"For Skin Eruptions of any kind, drink the water freely and sponge the parts affected 20 or 30 minutes twice a day and dry without wiping. Send for Leaflet. Do not put ice in the water."

Misbranding of the product was alleged in the libel for the reason that said labels on the cases and on the bottles contained statements regarding the name [same] and therapeutic effect of said drug product which were false, fraudulent, and misleading, in that said drug product did not contain enough lithium to entitle it to be designated as a lithia water, and in that said drug product did not contain any ingredient or combination of ingredients capable of producing the therapeutic effects claimed for it.

On October 26, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

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**3715. Misbranding of "Aromatic Cod Liver Oil with Hypophosphites." U. S. v. the Hollander-Koshland Co. Plea of guilty. Fine, \$10. (F. & D. No. 5899. I. S. No. 2765-e.)**

On November 16, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hollander-Koshland Co., a corporation, of Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 20, 1913, from the State of Maryland into the District of Columbia, of a quantity of a drug product called "Aromatic Cod Liver Oil with Hypophosphites," which was misbranded. The product was labeled: (On bottle) "Aromatic Cod Liver Oil with Hypophosphites. Alcoholic Strength, 19%. Each dose represents the active principles of Cod Liver Oil, combined with Hypophosphites of Lime, Soda and Potash, Wild Cherry, Licorice, Glycerine, Sherry Wine, and other Expectorants & Stimulants, so skillfully blended as to be entirely free from the taste and odor of Cod Liver Oil. We recommend this remedy in the treatment of consumption and all other pulmonary and scrofulous affections. The most delicate stomach will retain and assimilate this preparation, and its aromatic properties are pleasant to children, thus making it an almost indispensable household remedy. Directions. For Adults, From a desert to a tablespoonful before meals. May also be taken before retiring. For Children. In proportion to age and severity of ailment. Shake well before using. Distributed by Walter R. Hill West End Pharmacy No. 3269 M Street, N. W. Washington, D. C."

(On carton) "Hill's Aromatic Extract Cod Liver Oil. Precision, Purity, Perfection. With Hypophosphites. Tasteless. Alcoholic Strength 19%. This preparation consists of the active principles of Pure Cod Liver Oil, combined with the Hypophosphites of Lime, Soda and Potash, Glycerine, Sherry Wine, Wild Cherry and Cinchona Bark, Licorice and other Expectorants and tonics, so skillfully blended as to completely avoid the taste and odor of Cod Liver Oil. An invaluable Remedy in the Treatment of Consumption and Other Pulmonary and Scrofulous Affections. The most delicate stomach will retain and assimilate this preparation, and its Aromatic properties are pleasant to children, thus making it an almost indispensable household remedy. Directions on label. Distributed by Walter R. Hill West End Pharmacy No. 3269 M Street, N. W. Washington, D. C. This preparation is the result of careful research and experiment, and has been tested in the private practice of many eminent physicians, and in all cases the results obtained have been far beyond that of any similar preparation, or any other combination of Cod Liver Oil with other drugs. It is pleasant to take, has not repulsive or nauseating taste or smell, and is excellent in the treatment of pulmonary troubles or any disorder attendant upon any impoverished condition of the blood. Parents will do well to administer freely to weak and delicate children, to whom it gives nerve and tone, seldom attained by any other medicine or tonic. Guaranteed under the Food and Drugs Act, June 30, 1906. Guaranty No. 2687. Aromatic Cod Liver Oil With Hypophosphites. An invaluable Remedy in the Treatment of Consumption and other Pulmonary and Scrofulous Affections."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it was a sirup containing alcohol, 15.5 per cent, glycerin, phosphates, a small amount of quinin, and extract of wild cherry. Tests for licorice, cod liver oil, and biliary salts, negative.

Misbranding of the product was alleged in the information for the reason that the following statement regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, "an invaluable remedy in the treatment of consumption and other pulmonary and scrofulous affections," was false and fraudulent in that the same was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof

and create in the minds of the purchasers thereof the impression and belief that it was, in whole or in part, composed of, or contained ingredients or medicinal agents effective as a remedy in the treatment of consumption and other pulmonary and scrofulous affections, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain ingredients or medicinal agents effective as a remedy in the treatment of consumption and other pulmonary and scrofulous affections. Misbranding was alleged for the further reason that the product was offered for sale and sold under the name of "Aromatic Cod Liver Oil \* \* \*," when, in truth and in fact, the said article was not, in whole or in part, composed of, and did not contain aromatic cod liver oil.

On January 5, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

3716. Adulteration of shell eggs. U. S. v. 98 Cases \* \* \* Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5905. I. S. No. 11403-k. S. No. C-83.)

On September 8, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 98 cases, each containing 30 dozen shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on August 26, 1914, and transported from the State of Kansas into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly of a filthy animal substance; further, for the reason that it consisted in part of a filthy animal substance; further, for the reason that it consisted wholly of a decomposed animal substance; further, for the reason that it consisted in part of a decomposed animal substance; further, for the reason that it consisted wholly of a putrid animal substance; and further, for the reason that it consisted in part of a putrid animal substance.

On November 21, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3717. Adulteration and misbranding of vinegar. U. S. v. 10 Half-Barrels of Vinegar, more or less. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5906. I. S. No. 28136-h. S. No. C-86.)**

On September 8, 1914, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 half barrels of vinegar, more or less, remaining unsold in the original unbroken packages at Ashland, Ky., alleging that the product had been shipped on August 20, 1914, by the Ohio Cider Vinegar Co., Cincinnati, Ohio, and transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the product was misbranded in that the 10 half barrels were branded: (On one head) "The Ohio Cider Vinegar Co., Fermented Apple Vinegar. Apple Product, Cincinnati, O." (On the reverse end thereof) "June 1914, Reduced to legal standard with water"; and that said brands were false and misleading in that there had been mixed and packed with said food product another substance—to wit, water—whereby the quality and strength of the food product was reduced, lowered, and injuriously affected, and that said water had been substituted in part for the vinegar; and that each of said half barrels of vinegar was adulterated in violation of section 7 of the Food and Drugs Act in that said food product, purporting to be pure fermented apple vinegar of legal standard, had water mixed with and substituted for said vinegar in such a manner as to reduce, lower, and injuriously affect its quality and strength. It was further alleged in the libel that the product consisted in part of water which had been substituted for and mixed with the vinegar, and thereby reduced, lowered, and injuriously affected its quality and strength, that said water as so mixed and packed with said vinegar had rendered said vinegar adulterated in violation of the Food and Drugs Act. It was further alleged in the libel that the brand of the product purported and represented that the barrels contained pure apple vinegar.

On October 26, 1914, the said Ohio Cider Vinegar Co., claimant, having filed its answer admitting the allegations in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*



3718. Misbranding of "Black's Pulmonic Syrup." U. S. v. Wm. F. Black. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 5908. I. S. No. 7116-e.)

On November 4, 1914, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wm. F. Black, Birmingham, Ala., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 28, 1913, from the State of Alabama into the State of Tennessee, of a quantity of an article of drugs called "Black's Pulmonic Syrup," which was misbranded. The product was labeled: "Black's Pulmonic Syrup. Directions. Shake Well. One Teaspoonful before Meals. Guaranteed by W. F. Black, M. D., under the Pure Food & Drug Act, June 30, 1906. Serial No. 48094."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it was essentially a hydroalcoholic solution of ichthyol, glycerin, and sugar, containing 15.9 per cent of alcohol.

Misbranding was alleged in the information for the reason that the article contained 15.9 per cent of alcohol, and the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein.

On November 14, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3719. Adulteration of desiccated egg. U. S. v. 1 Barrel \* \* \* Desiccated Egg. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5916. I. S. No. 207-k. S. No. E-104.)**

On September 11, 1914, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel containing 100 pounds, more or less, of desiccated egg, remaining unsold in the original unbroken package at Brooklyn, N. Y., alleging that the product had been shipped on or before September 2, 1914, and transported from the State of Texas into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The barrel was marked in the words and figures as follows: "9-2 89306 Fred W. Huber, Brooklyn, N. Y. Keep Cool and Dry Head Up," and was invoiced as "One barrel of Desiccated Egg."

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

**3720. Adulteration of desiccated eggs. U. S. v. 1 Barrel of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5922. I. S. No. 208-k. S. No. E-106.)

On September 16, 1914, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel containing about 100 pounds of desiccated egg product, remaining unsold in the original unbroken package at Jersey City, N. J., alleging that the product had been shipped on or about September 4, 1914, and transported from the State of Texas into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The product was invoiced as 1 barrel of desiccated eggs.

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 4, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*

**3721. Adulteration of eggs in the shell. U. S. v. 400 Cases of Eggs in the Shell. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5925. S. No. E-109.)

On or about September 16, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases of eggs in the shell, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about September 9, 1914, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the Food and Drugs Act. Some of the cases were marked with a stencil "For Mfg. use"; others were marked "Spots"; others were marked "2nd"; and some of the cases were unmarked.

It was alleged in the libel that the product consisted in whole or in part of a filthy, decomposed, and putrid animal substance, in violation of section 7, paragraph 6, under the title "Food," of the Food and Drugs Act, a large majority of the eggs in the cases being decayed and rotten.

On October 5, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*



**3722. Adulteration of eggs. U. S. v. 7 Cases of Eggs. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5929. S. No. E-108.)**

On September 16, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases of eggs remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of Missouri into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that the same consisted in part of a filthy, decomposed, and putrid animal substance.

On October 31, 1914, no claimant having appeared for the property, which had been sold by the United States marshal for tanning purposes, upon an interlocutory order of court, judgment was entered forfeiting the product to the United States.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*

**3723. Adulteration of desiccated eggs. U. S. v. 2 Barrels \* \* \* Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5932. I. S. Nos. 209-k, 210-k. S. No. E-110.)

On September 18, 1914, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels, each containing 100 pounds, more or less, of desiccated eggs, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the product had been shipped on or before September 17, 1914, and transported from the State of Texas into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that said food consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 5, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*

3724. Misbranding of so-called ferro china bitters and so-called "Anice Fino." U. S. v. 5 Cases of So-Called Ferro China Bitters, and 7 Cases of So-Called Anice Fino. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 5934, 5935. S. No. E-111.)

On September 22, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 5 cases, each containing a product purporting to be ferro china bitters, and 7 cases, each containing a product purporting to be "Anice Fino," remaining unsold in the original unbroken packages, at Boston, Mass., alleging that the products had been shipped and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act.

Misbranding of the bitters was alleged in one of the libels for the reason that said food and the packages and labels thereof were labeled and branded in a manner so as to deceive and mislead the purchaser, in purporting to be a foreign product, by means of the following words then and there appearing thereon in a foreign language, "Ferro-China-Bitters. Liquore Tonico Iron Bitter Questo Liquore fatto a base di Ferro e China con erbe molto benefiche per gli anemici, e per coloro che soffrono di inappetenza ecc. È raccomandato da celebrità Mediche. Anti Malarico. Bevete Il Ferro Dei Fti Di Mte. Cno.," when in fact said food was not a foreign product. Misbranding was alleged for the further reason that said food upon said packages and labels thereof bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the words in foreign language set forth above, all of which said statements, designs, and devices were false and misleading, because they would lead a purchaser to believe that said food was a foreign product, when in fact it was not a foreign product. Misbranding of the product considered as a drug was alleged for the reason that it contained a quantity of alcohol, and the packages containing the same failed to bear a statement on the label thereof of the quantity or proportion of said alcohol contained in said drug.

Misbranding of the "Anice Fino" was alleged in the other libel, for the reason that said food and the packages and labels thereof were labeled and branded in a manner so as to deceive and mislead the purchaser, in purporting to be a foreign product, by means of the following words appearing thereon in a foreign language, "Anice Fino Per Acqua—Anice Superfine (design) Specialita di Raffaele Puziello di Napoli. Per una perfetta digestione Volete un buon bicchiere di Liquore—Bevete Il Colombo Punch—Liquore Unsuperabile che si puo anche usare nel latte, nel caffè acqua calda o seltz. Specialita di Raffaele Puziello di Napoli. Distilleria & Fabricade Liquore Puziello Lucaro and Co.," when in fact said food was not a foreign product. Misbranding was alleged for the further reason that said food upon the packages and labels thereof bore certain statements, designs, and devices regarding the ingredients and substances contained therein, that is to say, the words in a foreign language set forth above; all of which said statements, designs, and devices were false and misleading, because they would lead a purchaser to believe that said food purported to be a foreign product, when in fact it was not a foreign product.

On October 31, 1914, no claimant having appeared for the products, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., April 24, 1915.

**3725. Adulteration of eggs. U. S. v. 16 Cases of Eggs. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 5937. S. No. E-113.)

On September 21, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 cases of eggs, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of Missouri into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On October 31, 1914, no claimant having appeared for the property and the same having been sold by the United States marshal for tanning purposes, upon an interlocutory order of the court, judgment of condemnation and forfeiture was entered.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*



**3726. Adulteration of tomato pulp. U. S. v. 169 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5938. I. S. No. 12001-k. S No. C-88.)

On September 22, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 169 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the product had been shipped on or about September 2, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Dixie Brand Tomato Pulp for Soup Made from Tomatoes, Pieces of Tomatoes, and Tomato Trimmings. Try a can of our Hominy, Kraut, Tomatoes, Pumpkin, Red Kidney Beans, and Beans with Pork. Why not order a dozen, you'll need them soon. Made from Tomatoes, Pieces of Tomatoes and Tomato Trimmings. Quality Higher than Price. Contents 10 oz. Dixie Brand Tomato Pulp Made from Tomatoes, Pieces of Tomatoes and Tomato Trimmings. Packed by The Rider Packing Co. Inc. Successors to The Farmers Canning Co. Crothersville, Ind. Guaranteed by The Rider Packing Co. under the Food and Drugs Act, June 30, 1906. U. S. Serial No. 9203."

Adulteration of the product was alleged in the libel for the reason that it contained a large number of bacteria, to wit, 97,000,000 bacteria per cubic centimeter, and a large number of yeasts and spores—to wit, 17 yeasts and spores per 1/60 cubic millimeter—and that 77 per cent of the fields examined contained molds, and said product consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance and was of a deleterious character<sup>1</sup> and unfit for use as food within the meaning of said act of Congress.

On November 19, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*

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<sup>1</sup> When this case was reported for action, seizure of the product was not recommended by this department on the ground that it was "of a deleterious character."

**3727. Adulteration and misbranding of so-called cognac. U. S. v.  $\frac{1}{2}$  Cask of So-Called Cognac. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5939. I. S. No. 20379-h. S. No. E-112.)**

On September 21, 1914, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of  $\frac{1}{2}$  cask of so-called cognac, remaining unsold in the original unbroken package at New Haven, Conn., alleging that the product had been shipped on or about May 25, 1914, and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it was not a brandy of the cognac type, but neutral spirits colored in imitation of brandy had been substituted in whole or in part and had been mixed and packed with the brandy in such a manner as to reduce or lower or injuriously affect the quality and strength of the product. Misbranding was alleged for the reason that said cognac was branded, "Jas. Hennessy Cognac," and said cask bore a custom stamp, being intended to indicate that the product was of foreign manufacture and importation, when, in truth and in fact, the product was an imitation cognac consisting wholly or in part of neutral spirits mixed and packed therewith so as to reduce and lower its quality and strength.

On January 6, 1915, the case having come on for a hearing, on the libel and answer of A. Blum Jr.'s Sons, New York, N. Y., claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*

**3728. Adulteration and misbranding of so-called cognac. U. S. v.  $\frac{1}{8}$  Cask of \* \* \* Cognac. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5948. I. S. No. 1208-k. S. No. E-115.)**

On September 24, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of  $\frac{1}{8}$  cask, containing a product purporting to be cognac, remaining unsold in the original unbroken package at Boston, Mass., alleging that the product had been shipped by Charles Spiegel & Co., Inc., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because substances—to wit, neutral spirits—had been mixed and packed with said article in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food upon said package and labels thereof bore a certain statement, design, and device regarding the ingredients and substances contained in said food, that is to say, the following words, "Jas. Hennessy Cognac," and near the bung on said package the initials "J. H.," which statement, design, and device was false and misleading, because it would lead the purchaser to believe that said food consisted of cognac and was the product of a foreign country, whereas, in truth and in fact, it was not cognac and was not the product of a foreign country.

On January 25, 1915, the said Charles Spiegel & Co., Inc., claimant, having consented to a decree and agreed to pay the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimant upon the execution of bond in the sum of \$100, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*

**3729. Adulteration and misbranding of so-called cognac. U. S. v.  $\frac{1}{2}$  Cask \* \* \* Cognac. Consent decree of condemnation and forfeiture. Product ordered released on bond.**  
(F. & D. No. 5949. I. S. No. 1606-k. S. No. E-117.)

On September 24, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of  $\frac{1}{2}$  cask, containing a product purporting to be cognac, remaining unsold in the original unbroken package at Boston, Mass., alleging that the product had been shipped by Charles Spiegel & Co., Inc., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because substances—to wit, neutral spirits—had been mixed and packed with said article in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food upon said package and labels thereof bore a certain statement, design, and device regarding the ingredients and substances contained in said food, that is to say, the following words, "Francois Bremon & Co. Cognac," and three stars prominently displayed thereon, which statement, design, and device was false and misleading, because it would lead the purchaser to believe that said food consisted of cognac and was the product of a foreign country, whereas, in truth and in fact, it was not cognac and was not the product of a foreign country.

On January 25, 1915, the said Charles Spiegel & Co., Inc., claimant, having consented to a decree and agreed to pay the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimant upon the execution of bond in the sum of \$100, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*



**3730. Adulteration and misbranding of so-called cognac. U. S. v. 8 Cases of \* \* \* Cognac. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5950. I. S. No. 1607-k. S. No. E-118.)**

On September 24, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases, each containing a product purporting to be cognac, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by Charles Spiegel & Co., Inc., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because substances—to wit, neutral spirits—had been mixed and packed with said article in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food upon said packages and labels thereof bore a certain statement, design, and device regarding the ingredients and substances contained in said food, that is to say, the following words, "Francois Bremon & Cie Cognac," and three stars prominently displayed thereon, which statement, design, and device was false and misleading, because it would lead the purchaser to believe that said food consisted of cognac and was the product of a foreign country, whereas, in truth and in fact, it was not cognac and was not the product of a foreign country.

On January 25, 1915, the said Charles Spiegel & Co., Inc., claimant, having consented to a decree and agreed to pay the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimant upon the execution of bond in the sum of \$100, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 16, 1915.*

**3731. Adulteration and misbranding of so-called cognac. U. S. v.  $\frac{1}{8}$  Cask of \* \* \* Cognac. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5951. I. S. No. 1608-k. S. No. E-119.)**

On September 24, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of  $\frac{1}{8}$  cask, containing a product purporting to be cognac, remaining unsold in the original unbroken package at Boston, Mass., alleging that the product had been shipped by A. Blum Jr.'s Sons, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in part "Jas. Hennessy Cognac France."

Adulteration of the product was alleged in the libel for the reason that substances—to wit, neutral spirits—had been mixed and packed therewith in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food upon said package and labels thereof bore a certain statement, design, and device regarding the ingredients and substances contained in said food, that is to say, the following words, "Jas. Hennessy Cognac France," which statement, design, and device was false and misleading because it would lead the purchaser to believe that said food consisted of cognac, and was the product of a foreign country, whereas, in truth and in fact, it was not cognac and was not the product of a foreign country.

On February 12, 1915, the said A. Blum Jr.'s Sons, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 16, 1915.*

**3732. Adulteration and misbranding of so-called cognac. U. S. v. 5 Cases of \* \* \* Cognac. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5952. I. S. No. 1618-k. S. No. E-120.)

On September 24, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing a product purporting to be cognac, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by A. Blum Jr.'s Sons, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because substances—to wit, neutral spirits—had been mixed and packed with said food in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food, upon the packages and labels thereof, bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the following words, "Louis Bechade Cognac France," and three stars prominently displayed thereon, "Louis Bechade Cognac The Produce of France," and threestars prominently displayed thereon, which statements, designs, and devices were false and misleading because they would lead the purchaser to believe that said food consisted of cognac, and was the product of a foreign country, whereas, in truth and in fact, said food was not cognac, and was not the product of a foreign country.

On December 21, 1914, the said A. Blum Jr.'s Sons, claimant, having admitted that the allegations of the libel were true, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 16, 1915.*

**3733. Adulteration and misbranding of cognac type brandy. U. S. v. 5 Cases of \* \* \* Cognac Type Brandy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5953. I. S. No. 1206-k. S. No. E-116.)**

On September 26, 1914, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of a product purporting to be cognac type brandy, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by Charles Spiegel & Co., Inc., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel because substances—to wit, neutral spirits—had been mixed and packed with said article in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food upon the packages and labels thereof bore a certain statement, design, and device regarding the ingredients and substances contained in said food, that is to say, the following words, "F. Bremon & Cie Brand Cognac Type," which statement, design, and device was false and misleading because it would lead the purchaser to believe that said food consisted of a cognac type brandy, whereas, in truth and in fact, it was not a cognac type brandy.

On January 25, 1915, the said Charles Spiegel & Co., Inc., claimant, having consented to a decree and agreed to pay the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimant upon the execution of bond in the sum of \$100, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON D. C., *April 16, 1915.*



3734. Misbranding of "Dr. H. A. Ingham's Vegetable Expectorant Nervine Pain Extractor."  
 U. S. v. Louise M. Ingham et al. (H. A. Ingham & Co.). Plea of guilty. Fine, \$100.  
 (F. & D. No. 5958. I. S. No. 1190-e.)

On December 30, 1914, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louise M. Ingham and William D. Woodman, trading as a partnership under the name of H. A. Ingham & Co., Vergennes, Vt., alleging shipment by said defendants, on or about December 23, 1912, from the State of Vermont into the State of Massachusetts, of a quantity of "Dr. H. A. Ingham's Vegetable Expectorant Nervine Pain Extractor," which was misbranded in violation of the Food and Drugs Act, as amended. The product was labeled: (On the bottles) "Dr. H. A. Ingham's Vegetable Expectorant Nervine Pain Extractor. Alcohol, 84 per cent, Opium,  $2\frac{1}{2}$  Grains Per Ounce. No. 2883. Guaranteed under the Food and Drugs Act, June 30, 1906. Dr. H. A. Ingham & Co. Vergennes, Vt. . . ." The circular wrapped around each of the bottles contained, among other things, the following:

"In aiding Nature to overcome Nervous Suffering, Pain, and Disease, this great remedy produces four effects, unlike any other, and which render it excellent above any known, because in real suffering so important. 1st—It revives promptly, but the simple stimulants are skilfully counteracted, and it restores the blood to the hands and feet. 2d—It invigorates and regulates the disordered stomach and appetite, sustains every class of organs, equalizes nervous energy, imparts comfort and strength and the pulse beats more natural, whether it were running too fast, or too slow. 3d—It sustains and subdues raging fever. 4th—It removes nervous suffering, and in unrest, sleep becomes calm and refreshing, and usually regulates the bowels; it harmonizes with and aids the system much like Nourishment, and thus harmlessly, but powerfully, aids nature to overcome disease. Used to restore Healthy Action, the more severe the suffering the more surprising the effect.

"As in health Nourishment sustains every class of organs, so this remedy aids and sustains nature in disease, and enables her to overcome it in many cases. It is unrivalled for the cure or relief of all Pain, Inflammation, and Nervous Suffering. It can be relied upon to break up the most violent attack of Neuralgia. Quarter to one teaspoonful in a tumbler of water, taken by degrees, and remaining quiet ten to thirty minutes, cures terrible attacks of Nervous Headache and Sick Headache. It is a speedy remedy for Colds, Sore Throat, Boneache, Chills, Dizziness, Fever, Croup, Quinsy, Congestion, Soreness and Pressure of the Lungs, Pleurisy, and all the train of difficulties arising from colds, if not too far advanced. It checks sinking, and subdues Typhoid, Lung, Scarlet, and Rheumatic Fevers; removes Palpitation of the Heart, Pressure of Blood to the Head, Pain in the Chest, Side, Shoulders, Joints, Limbs, Toothache, and cures Crick in the Back, often in a day. It is warranted to promptly break up the spasms arising from the loss of limbs. Large doses to regulate the system, after which, small doses to sustain, will surely relieve Cholera, Bilious Colic, Dysentery, common or chronic Bowel Complaint, Sunstroke and Suspended Animation, if the life power is not exhausted.

"Taken and applied in time to produce and retain a warm moist state, we believe it is as certain to cure Diphtheria and Putrid Sore Throat as water is to subdue fire. It has become a standard remedy for this disease in many places.

"It has cured obstinate cases of Dyspepsia and Vomiting of food; low states of Lung and Typhoid Fever; Bleeding at the Lungs, Nervous Exhaustion, Neuralgia, where all known remedies have failed, and life was despaired of. A few doses promptly break up the most violent attacks of Asthma or Phthisic. The nervous sufferer, with cold hands and feet, low spirits, tired feeling, general prostration, indigestion, nervousness, inability to sleep, here finds a real benefit. New life is imparted to the whole system—the influence is soft and harmonious; circulation becomes

buoyant, gentle, complete; health begins to course through all the veins, as the system is regulated. It can be relied upon to restore the blood to the hands and feet, and prevent fits of apoplexy, epilepsy, and worm fits when coming on, and break them up readily, if the vital energies are not overcome; an effect more precious than Gold or Jewels. It will remove all suffering from Wounds, Bruises, Sprains or Burns, on man or beast, in five to fifteen minutes, and as the blood will not settle, it will heal without inflammation or suffering, if curable. It will break up a felon in from an hour to a day or two, by keeping it wet with the medicine.

"In the midst of a fever and ague chill it will subdue the suffering, produce perspiration, prevent the fever, and relieve the disease by repeating from one to three times. Five to ten drops in water checks vomiting—to be repeated as occasion requires. It cures Inflammation of the Eyes, Piles, Poison from Ivy, &c.; Chilblains, Venomous Bites, and Stings. For teething and restless children, it is not only safe and harmless, but positively beneficial, it agrees with the most tender child or feeble infant. If sick, it will do good; if well, it will do no harm. From two to five drops for the infant, and from fifteen to sixty for an adult, repeated as the case may require, aids the purifying and sustaining organs of the body, and disease and suffering flee away, often more readily than we could expect.

"The Vegetable Expectorant Nervine Pain Extractor has gained the most unparalleled friendship wherever it has been known. Its unprecedented power in controlling all nervous suffering, pain, and inflammation, is truly wonderful, surprising even the most incredulous.

"It is purely vegetable, perfectly harmless, and adapted to all constitutions. . . .

"Cholera, Bilious Colic, Dysentery, Diarrhoea, and Bowel Complaint.—This remedy cures these disorders by restoring and sustaining the equilibrium of the system. Take teaspoonful-doses—less for children, according to age—in water (warm if convenient) once in fifteen to thirty minutes, until the violence of the symptoms is removed; after which take from five to twenty drops four times a day, until the usual energy returns. This has saved many valuable lives where the best known remedies have failed. . . ."

"Chronic Rheumatism, Contracted Cords, Paralyzed Limbs, Soreness, Inflammation or Pain.—Take from 10 to 30 drops before breakfast, dinner, and at bedtime, and bathe the affected part with the medicine once or twice a day. From one to five bottles have cured numerous cases of from one to twenty years' standing. . . ."

"Bronchial Irritation, Sore Throat, and Quinsy are usually cured in a night, by taking one or one and a half or two teaspoonfuls in nearly a pint of warm water, seasoned to taste, and bathing the throat thoroughly with the medicine clear, and apply cloths, wet and dry, as for Neuralgia. Take the medicine by slow degrees, to produce a more direct action upon the throat. . . ."

"Croup.—Moisten a cloth with the medicine, one-half vinegar, and bind it upon the throat with a number of thicknesses of dry flannel, and administer a dose to produce a warm moist state. It cures promptly. . . ."

"Diphtheria.—For an adult (less for children, according to age) give half teaspoonful doses in warm water, once in 20 or 30 minutes, until gentle perspiration is produced, and apply cloths as for croup over the throat and chest. Then after suffering ceases give 5 to 10 drops sufficiently often to retain a warm, moist state until a cure is effected. Relief is immediate, and the cure we believe certain if not too far advanced, although it has cured a person that was given up, when nothing but teaspoonful doses clear would have any effect. . . ."

"Cuts, Bruises, Wounds, Broken Ligaments, Dislocated Joints, Broken Bones, or Sprains.—Wet the bandage with the Nervine Pain Extractor, and keep it wet; water will do for two or three times after the first application, if pain does not return. It will remove all suffering from any wound, it matters not how severe, on man or beast, in

15 to 30 minutes; and it will heal rapidly, without inflammation or suffering, if the vital energies are not overcome, and the wound is protected from injury."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the sample to contain alcohol, 86 per cent, opium alkaloids, camphor, capsicum, and vegetable extractive matter.

Misbranding of the product was alleged in the information for the reason that the statements "For teething and restless children, it is not only safe and harmless, but positively beneficial; it agrees with the most tender child or feeble infant. If sick, it will do good; if well it will do no harm. . . . It is purely vegetable, perfectly harmless, and adapted to all constitutions," borne on the wrappers of the bottles contained in the package, were false and misleading, in that they were of such a nature and import as to mislead and deceive the purchasers thereof into the belief that said article contained no harmful or poisonous ingredient, and no ingredient whatsoever which could injure the most tender child or feeble infant, whereas, in truth and in fact, said article contained morphin and other opium alkaloids of a poisonous and deleterious nature, such as might prove harmful and deleterious to the health of tender children and feeble infants, and other persons, if consumed by them.

Misbranding was alleged for the further reason that the wrappers around the bottles bore the statements set forth above regarding the therapeutic or curative effects of said drug, which said statements were false and fraudulent in that they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of the purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective to subdue raging fever and to cure typhoid fever, lung fever, scarlet fever, rheumatic fever, cholera, dysentery, sunstroke, diphtheria, bleeding at the lungs, nervous exhaustion, and piles, and to prevent fits of apoplexy and epilepsy when coming on, and to heal without inflammation or suffering all wounds, sprains, and burns, and break up a felon in from an hour to a day or two and to cure congestion of the lungs, pleurisy, fits of apoplexy, chronic rheumatism, paralyzed limbs, and croup; whereas, in truth and in fact, said drug was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective to subdue raging fever, or to cure typhoid fever, lung fever, scarlet fever, rheumatic fever, cholera, dysentery, sunstroke, diphtheria, bleeding at the lungs, nervous exhaustion, or piles, or to prevent fits of apoplexy and epilepsy when coming on, or to heal without inflammation or suffering all wounds, sprains, or burns, or to break up a felon, or to cure congestion of the lungs, pleurisy, fits of apoplexy, chronic rheumatism, paralyzed limbs, and croup.

On March 3, 1915, a plea of guilty was entered by the defendants, and the court imposed a fine of \$100.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 16, 1915.*



**3735. Adulteration of frozen eggs. U. S. \* \* \* v. 229 Crates \* \* \* of Mixed Frozen Eggs. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 5970. I. S. No. 1708-k. S. No. E-127.)

On October 5, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 229 crates, more or less, each containing two 30-pound cans of mixed frozen eggs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped, on or about September 14, 1914, by the Victor Produce Co., Duluth, Minn., and transported from the State of Minnesota into the State of New York, consigned to itself, at New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was liable to seizure and condemnation as provided in the Food and Drugs Act in that said product consisted in whole or in part of a filthy, decomposed, and putrid animal substance, in violation of section 7, paragraph 6, under the title "Food" of said act, particularly in that the bacteriological examination disclosed an extensive number of organisms, and, further, in that a physiological examination disclosed that said eggs were musty and sour and of a bad odor, and, further, in that a microchemical examination showed that the product was decomposed.

On March 5, 1915, the said Victor Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was pronounced, and it was ordered by the court that the product should be delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the act, one of the conditions of the bond being that the product should be sold and utilized for technical purposes only.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 16, 1915.*

**3736. Misbranding of "Tetterine." U. S. v. 12 Dozen Packages of \* \* \* Tetterine. Product ordered released on bond. (F. & D. No. 5975. I. S. No. 113-k. S. No. E-125.)**

On or about October 6, 1914, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 dozen packages of a product known as "Tetterine," remaining unsold in the original unbroken packages at Columbia, S. C., alleging that said product had been shipped, on or about August 12, 1914, by the Shuptrine Co., Savannah, Ga., and transported from the State of Georgia into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The packages were labeled: "Tetterine. The Antidote for Ringworm, Tetter, and all Skin Diseases. Guaranteed by Shuptrine Company under the Food and Drugs Act, June 30, 1906. Serial No. 374. Registered 1885 by J. T. Shuptrine, Savannah, Ga.," The carton and box were labeled: "The antidote for \* \* \* Tetter, and all skin diseases." The carton was labeled: "Tetterine, a marvelous remedy for \* \* \* Tetter, Eczema, \* \* \* and all contagious itching Eruptions—For Scaldhead, Dandruff and all Eruptions of the Scalp causing premature Baldness Tetterine is a Specific."

In the circular accompanying the product appeared the following: "The greatest of Skin Remedies in Household Use. This Remedy is composed of purest of antiseptic germicidal ingredients in the form of a fragrant ointment very pleasant to use and harmless to the most delicate skin. The success which has attended the use of Tetterine in the assuage of all forms of itching skin diseases has been marvelous, curing thousands where many other so-called skin cures have failed. For the speedy and permanent relief of that most tormenting, burning, itching eczema, and all humors of the skin and scalp, old ulcers, chafes, infants' soreheads, scalds, inflammations, bunions and corns, Tetterine is a true panacea. A simple anointing with Tetterine, preceded by a hot bath with Tetterine Soap, will relieve the most intense itching and will effect a speedy and permanent alleviation of the most distressing, aggravating form of burning, itching and scaly eruptions of the skin and scalp, if used a reasonable length of time. Its use is especially indicated in the treatment of infants and children, cleansing, soothing and healing the most distressing of infantile humors, and preserving, purifying and beautifying the skin, scalp and hair. The majority of all itching skin humors are eczematous, of which itching, burning, and scaling are the most distressing symptoms. It is in the treatment of these distressing and tormenting afflictions that Tetterine works wonders, curing, in many instances in a few applications, the most aggravating cases of years standing. If those who are afflicted with skin diseases of any description will intelligently follow these directions in the use of Tetterine the most satisfactory results will be obtained. In the treatment of a large proportion of Skin Troubles met with, it requires, as a rule, only a few applications of Tetterine, applied at night, to promptly and permanently relieve. Tetterine relieves these old stubborn cases as surely as it does the slightest rash on a tender cheek, but it requires the exercise of a reasonable amount of common sense in its use. To make sure of a cure it is necessary to have the diseased surface thinly coated with the Tetterine and so bind or protect with a bandage, stocking-glove, etc., as to prevent the salve from being rubbed off. Apply the Tetterine in this way night and morning, removing the dead skin every day with a soft brush, \* \* \* In the worse cases where the eruption has existed for a number of years, it may be necessary to keep up this treatment for as long as six weeks to make sure of a permanent cure. For crusts on the scalp, causing baldness, cleanse the scalp with a wash made with one teaspoonful Ammonia water, one pint water and Tetterine soap, as directed below. After two days wash the scalp thoroughly with Tetterine soap and apply the Tetterine as at first. Only a few applications will be needed to bring about the desired result. For old itching sores use as an ointment twice daily. For itching Piles use twice a day.



It is impossible to enumerate the great number of skin disorders for which Tetterine is a most pleasant panacea. Every family should keep it and use it for everything that attacks the skin."

Misbranding of the product was alleged in the libel for the reason that said medicine or drug known as "Tetterine" was composed of an ointment consisting of a base of petroleum carrying as therapeutic agents boric acid and salicylic acid, and contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed on said boxes, cartons, and circulars. Misbranding was alleged for the further reason that said words and figures, together with said name "Tetterine" so declared, marked and printed in and upon the said boxes, cartons, and circulars as aforesaid, were misleading, false, and fraudulent, and said medicine or product was misbranded regarding the curative or therapeutic effects of such article, or any of the ingredients or substances contained therein.

Thereafter the said Shuptrine Co., claimant, filed its answer to the libel, in which, without admitting or denying the allegation of misbranding contained therein, it consented to a decree of condemnation and prayed that it be allowed the privilege of reclaiming the product by giving bond.

On February 11, 1915, it appearing to the court that said company had executed a good and sufficient bond in the sum of \$250 to the effect that the product should not be sold or otherwise disposed of contrary to the provisions of the act of Congress approved on the 30th day of June, 1906, and it further appearing that all the costs had been paid by said company, an order was entered that the product should be turned over and delivered by the United States marshal to said claimant.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 16, 1915.*

**3737. Adulteration of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5977. I. S. No. 12015-k. S. No. C-90.)

On October 6, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 48 cans, of tomato pulp, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the product had been shipped on or about September 2, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Pilot Brand Tomato Pulp Made from Pieces & Trimmings of Tomatoes. Distributed by Haas-Lieber Grocery Co. St. Louis, Mo. Contents 8 oz. Distributed by Haas-Lieber Grocery Co. St. Louis, Mo. Pilot Brand." (design of pilot and of tomato).

It was alleged in the libel that the product was adulterated in violation of section 7 of said act of Congress and liable to seizure and confiscation as provided in said act for the following reasons, to wit, that said product contained, when so shipped, a large number of bacteria, to wit, 27,000,000 per cubic centimeter, and a large number of yeasts, to wit, 18 yeast per 1/60 cubic millimeter, and that 76 per cent of the fields examined contained molds, and said product consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance, and was of a deleterious<sup>1</sup> character and unfit for use as food within the meaning of the said act of Congress.

On November 12, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 16, 1915.*

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<sup>1</sup> When this case was reported for action it was not claimed by this department that the product was of a deleterious character.

**3738. Adulteration of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5978. I. S. No. 12016-k. S. No. C-90.)

On October 6, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 48 cans, of tomato pulp, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the product had been shipped, on or about September 3, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Rider's 'Class A' Brand Tomato Pulp for Soup, Made from Tomatoes, Pieces of Tomatoes, and Tomato Trimmings. Try a Can of our Hominy, Kraut, Tomatoes, Pumpkin, Red Kidney Beans, and Pork and Beans. Why Not Order a Dozen, you'll need them soon. Guaranteed by The Rider Packing Co., Inc., under the Food and Drugs Act, June 30, 1906. Serial No. 9203. Contents 0-lbs. 8 oz. Rider's Class A Brand Tomato Pulp Made from Tomatoes, Pieces of Tomatoes and Tomato Trimmings. Packed by The Rider Packing Co. Crothersville, Ind. Made from Tomatoes, Pieces of Tomatoes and Tomato Trimmings."

It was alleged in the libel that the product was adulterated in violation of section 7 of said act of Congress and liable to seizure and confiscation as provided in said act for the following reasons, to wit, that the said product contained, when so shipped, a large number of bacteria, to wit, 41,000,000 [55,000,000] bacteria per cubic centimeter, and a large number of yeasts, to wit, 14 yeasts per 1/60 cubic millimeter, and that 70 per cent of the fields examined contained molds, and said product consisted, in whole or in large part, of a filthy, decomposed, and putrid vegetable substance, and was of a deleterious<sup>1</sup> character and was unfit for use as food, within the meaning of the said act of Congress.

On November 12, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 16, 1915.*

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<sup>1</sup> When this case was reported for action it was not claimed by this department that the product was of a deleterious character.

3739. Adulteration of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5979. I. S. No. 12017-k. S. No. C-90.)

On October 7, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 4 dozen cans, of tomato pulp, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the product had been shipped, on or about September 3, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Dixie Brand Tomato Pulp For Soup. Made from Tomatoes, Pieces of Tomatoes and Tomato Trimmings. Try a can of our Hominy, Kraut, Tomatoes, Pumpkin, Red Kidney Beans and Beans with Pork. Why not order a Dozen, you'll need them soon. Made from Tomatoes, Pieces of Tomatoes and Tomato Trimmings. Quality Higher Than Price. Dixie Brand Tomato Pulp. Made from Tomatoes, Pieces of Tomatoes and Tomato Trimmings. Packed by The Rider Packing Co., Ind. Successors to The Farmers Canning Co., Crothersville, Ind. Guaranteed by The Rider Packing Co. under the Food and Drugs Act, June 30, 1906. U. S. Serial No. 9203. Contents 0 lbs. 10 ounces."

It was alleged in the libel that the product contained, when shipped, a large number of bacteria, to wit, 30,000,000 [50,000,000] bacteria per cubic centimeter, and a large number of yeasts, to wit, 14 [17] yeasts per 1/60 cubic millimeter, and that 69 per cent of the fields examined contained molds, and said product consisted, in whole or in large part, of a filthy, decomposed, and putrid vegetable substance, and was of a deleterious<sup>1</sup> character and unfit for use as food within the meaning of said act of Congress.

On November 12, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 16, 1915.*

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<sup>1</sup> When this case was reported for action it was not claimed by this department that the product was of a deleterious character.



**3740. Adulteration of tomato pulp [purée]. U. S. v. 100 Cases of Tomato Pulp [Purée].**  
**Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5980,  
 I. S. No. 12019-k. S. No. C-91.)

On October 7, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 48 cans of tomato pulp [purée], remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the product had been shipped on or about August 8, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Tomato Puree (design tomato) Distributed by The J. M. Paver Company, Chicago, Ill."

Adulteration was alleged in the libel for the reason that the product contained, when so shipped, a large number of bacteria—to wit, 54,000,000 per cubic centimeter—and a large number of yeasts—to wit, 32 yeasts per 1/60 cubic millimeter—and that 74 per cent of the fields examined contained molds, and said product consisted, in whole or in large part, of a filthy, decomposed, and putrid vegetable substance, and was of a deleterious<sup>1</sup> character and unfit for use as food within the meaning of said act of Congress.

On November 12, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 19, 1915.*

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<sup>1</sup> When this case was reported for action it was not maintained by this department that the product was of a deleterious character.

**3741. Misbranding and alleged adulteration of cider vinegar. U. S. v. 34 Barrels of Cider Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 5981. I. S. No. 906-k. S. No. E-128.)

On October 5, 1914, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 34 barrels of cider vinegar, remaining unsold in the original unbroken packages at Concord, N. H., alleging that the product had been shipped and transported from the State of Vermont into the State of New Hampshire, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it purported to be cider vinegar, when, in fact, it was not cider vinegar, but a mixture consisting in part of dilute acetic acid or distilled vinegar, and a material high in reducing sugar, which had been mixed and packed with and substituted for cider vinegar in such manner as to reduce and lower and injuriously affect its quality and strength.<sup>1</sup>

On December 15, 1914, the estate of Laura S. Olmstead, doing business under the name of the Orange County Manufacturing Co., claimants, Newbury, Vt., having admitted the misbranding of the product but denying the adulteration thereof and denying any intention to violate the laws of the United States and consenting to the prayer for the condemnation of the property, judgment of condemnation and forfeiture was entered, the court finding the product misbranded, and it was ordered by the court that the same should be redelivered to the said claimants upon payment of all the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 19, 1915.*

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<sup>1</sup> When this case was reported for action it was maintained by the Department of Agriculture that the product was misbranded for the reason that it was branded "Cider Vinegar," when in fact it was not cider vinegar, but consisted of a mixture composed in part of dilute acetic acid or distilled vinegar and a material high in reducing sugar.

**3742. Misbranding of "Laxative Quinine Tablets." U. S. v. Hollander-Koshland Co. Plea of guilty. Fine, \$10. (F. & D. No. 5982. I. S. No. 2768-e.)**

On February 23, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hollander-Koshland Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 17, 1913, from the State of Maryland into the District of Columbia, of a quantity of "Laxative Quinine Tablets," which were misbranded. The product was labeled: "Laxative Quinine Tablets. Relieves a cold in 24 Hours. Guaranteed under the Food and Drugs Act, June 30, 1906. Guaranty No. 2687. An Excellent Remedy for La Grippe, Hay Fever, Neuralgia, Cold in Head and Constipation. Laxative Quinine Tablets act as a gentle laxative. They have no Gripping Effect and Stimulate the Liver to its Normal and Healthy Action. They cure Headache, relieve a Cold in a marvelously short time. They do not affect the Head like Quinine or its Salts. Each Tablet contains 2 grains Acetanilid. Directions.—For Severe Cold or La Grippe, the adult dose is one Tablet to be taken every hour until relieved. Children  $\frac{1}{2}$  to 1 Tablet every 3 hours. Distributed by Walter R. Hill, West End Pharmacy, 3269 M Street, N. W. Washington, D. C." The packages of the article contained a circular or pamphlet which bore the following statement: "The True Specific for La Grippe."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed it to contain acetanilid, 1.9 grains per tablet, quinin, caffeine, tannic acid, and a vegetable cathartic drug.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "An Excellent Remedy for \* \* \* Hay Fever \* \* \*. They cure Headache \* \* \*," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective as a remedy for hay fever and as a cure for headache when in truth and in fact said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective as a remedy for hay fever and as a cure for headache. Misbranding was alleged for the further reason that the following statement regarding the therapeutic or curative effects thereof included in the circular or pamphlet aforesaid, to wit, "The True Specific for La Grippe," was false and fraudulent in that, by means of said circular or pamphlet, it was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective as a specific for la grippe, when in truth and in fact said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective as a specific for la grippe.

On February 23, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., April 19, 1915.

3743. Adulteration of tomato paste. U. S. v. 5 Cases of \* \* \* Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5986. I. S. No. 1314-k. S. No. E-129.)

On October 9, 1914, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases purporting and represented to be [contain] tomato paste, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product had been shipped and transported from the State of New York into the State of Pennsylvania, the shipment arriving on or about August 27, 1914, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled in part: "Tomato Paste G. Roncoroni, 48 Spring St., N. Y." The retail cans were labeled in part: "Tomato Paste Red (Pictorial representation of tomatoes) Directions. For One pound of Maccaroni Use One Teaspoonful Dissolved In Water. Add The Same Quantity for Each Pound of Maccaroni. The Same Is Used For Roast Meats, Stews, Etc., Etc., It Flavors the Meat and Gives it a Nice Coloring. Alloway Pkg. Co., Alloway, N. J. (Directions in Italian) Guaranteed by G. Roncoroni Under The Food And Drugs Act June 30, 1906 Serial No. 10788 Manufactured in United States. Net Weight 14 Oz."

Adulteration of the product was alleged in the libel for the reason that an analysis of a sample consisting of two cans revealed the product to contain 280,000,000 and 450,000,000 bacteria per cubic centimeter; 63 and 90 yeasts and spores per 1/60 cubic millimeter; and 20 per cent and 14 per cent of mold filaments in all microscopic fields examined, respectively; and that the product consisted in whole or in part of decomposed vegetable substance.

On January 11, 1915, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., April 19, 1915.



**3744. Adulteration of prunes, apricots, and peaches. U. S. v. 478 Boxes of Prunes, 136 Boxes of Apricots, and 10 Boxes of Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5988. I. S. Nos. 12623-k, 12624-k. S. No. C-89.)**

On October 10, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 379 boxes, each box containing 50 pounds of prunes, 76 boxes, each containing 25 pounds of prunes, 23 boxes, each containing 10 pounds of prunes, 95 boxes, each containing 50 pounds of apricots, 41 boxes, each containing 25 pounds of apricots, and 10 boxes, each containing 25 pounds of peaches, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the products had been shipped on or about September 21, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The boxes of prunes were variously marked and labeled as follows: "Calif. Brand Santa Clara Prunes Packed for The Coast Products Company St. Louis Kansas City San Francisco California Fruit (guaranty legend and declaration of net contents of package); The Coast Brand Santa Clara Prunes Packed for The Coast Products Company California Fruit St. Louis Kansas City San Francisco (guaranty legend and net contents); T. C. P. Co. Brand Santa Clara Prunes Packed for The Coast Products Company St. Louis Kansas City San Francisco (declaration of net contents of package); Summit Brand Santa Clara Imperial Prunes Packed for The Coast Products Company St. Louis Kansas City San Francisco California Fruit (guaranty legend and declaration of net contents)."

The boxes of apricots were variously labeled: "Calif. Brand Santa Clara Apricots Packed for The Coast Products Company St. Louis Kansas City San Francisco California Fruit (guaranty legend and declaration of net contents); The Coast Brand Santa Clara Apricots Packed for The Coast Products Company California Fruit St. Louis Kansas City San Francisco (guaranty legend and net contents); T. C. P. Co. Brand Santa Clara Apricots Packed for The Coast Products Company St. Louis Kansas City San Francisco (declaration of net contents of package); Summit Brand Santa Clara Imperial Apricots Packed for The Coast Products Company St. Louis Kansas City San Francisco California Fruit (guaranty legend and declaration of net contents)."

Five of the boxes of peaches were labeled: "Calif. Brand Peeled Peaches Packed for The Coast Products Company St. Louis Kansas City San Francisco California Fruit (guaranty legend and declaration of net contents)."

Five of the boxes of peaches were labeled: "Summit Brand Peeled Peaches Packed for The Coast Products Company St. Louis Kansas City San Francisco California Fruit (guaranty legend and declaration of net contents)."

Adulteration of the products was alleged in the libel for the reason that they were badly fermented, moldy, decayed and unfit for food and consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and were of a deleterious character<sup>1</sup> and unfit for use as food within the meaning of said act of Congress.

On November 19, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., April 19, 1915.

<sup>1</sup> When this case was reported for action it was not maintained by this department that the products were of a deleterious character.

3745. Misbranding of "Mrs. Joe Person's Remedy." U. S. v. 17 Cases \* \* \* of \* \* \*  
 Mrs. Joe Person's Remedy. Product ordered released on bond. (F. & D. No. 5993.  
 I. S. No. 118-k. S. No. E-132.)

On October 12, 1914, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 cases, each containing one dozen packages of an article known as "Mrs. Joe Person's Remedy," remaining unsold in the original unbroken packages at Columbia, S. C., alleging that the product had been shipped on December 24, 1913, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The retail packages were labeled: "Mrs. Joe Person's Remedy Alcohol: 25 Per Cent No. 2150. Guaranteed under the Food and Drugs Act June 30, 1906. Trade Mark Registered. No. 2150 Guaranteed by Mrs. Joe Person Remedy Company, Kittrell, N. C. Under the Food and Drugs Act June 30, 1906. As an Alterative and a Purifier of the Blood, it is endorsed by all who have used it. It is a Tonic and Nervine, giving good natural sleep to those who are restless. It contains no opiate, narcotic, iodide of potassium, or other mineral, but is purely vegetable. When used as a remedy for Erysipelas, Rheumatism, Eruptions, Eczema, Scrofula, and all diseases that come from impure or impoverished blood or a run down condition of the system, it gives fine results. Excellent for Indigestion and Stomach Troubles, and by building up the system, Nervousness and Nervous Prostration are quickly remedied. For blood poison, give freely large dose for adult, say a wineglassful every 15 minutes until the effect is felt in the head. It gives instant relief in cases of Colic. Adult dose, wineglassful; if necessary, repeat in five or ten minutes. Directions:—Regulate the dose according to age and effect upon the system, giving ordinarily a child five years old a teaspoonful. A grown person, begin with a teaspoonful, and gradually increase to half-wineglassful. Take three times a day, before or after meals, as preferred. For children, the dose may be weakened or sweetened. Price, \$1.00 None genuine without the Signature Mrs. Joe Person, Kittrell, N. C. Nos. 110492."

The bottles were labeled: "When used as a remedy for Erysipelas, Rheumatism, Eruptions, Eczema, Scrofula, and all diseases that come from impure or impoverished blood or a run down condition of the system, it gives fine results. Excellent for Indigestion and Stomach Troubles.—Nervousness and Nervous Prostration are quickly remedied. For blood poison,—It gives instant relief in cases of Colic."

The following words appeared on the carton, to wit, "For Blood Diseases, For Erysipelas, Muscular Rheumatism,—Eruptions and Diseases that come from Impurities of the Blood. For Indigestion and Stomach Troubles. Mrs. Joe Person's Remedy—Blood Purifier It is an antidote for Blood Poison if given freely.—It will relieve Muscular and Inflammatory Rheumatism, Erysipelas, Indigestion, Eczema, Chronic Bilious Colic.—Eruptions, Skin and Blood Diseases and all diseases that come from impure or impoverished blood.—A wonderful remedy for Scrofula and Chronic Ulcers when used in connection with the wash—it also relieves Nervous Prostration and Insomnia. It is a Great Remedy. It is a Boon to Ladies Suffering from Diseases Peculiar to their Sex. It has given perfect satisfaction for Ulceration and Catarrh of the Womb, if used in connection with the wash. In cases of extreme blood poison, administer freely a wineglassful every fifteen minutes."

In the booklet accompanying the retail packages appeared the following: "This may certify that I have had the opportunity of examining the preparation known as Mrs. Joe Person's Remedy and of testing its physiological action and therapeutical applications, and that it is determined to be: (3) A thorough preventive of, and a radical cure for, disorders which depend on deficient blood formations; (4) Peculiarly adapted for the treatment of diseases of women in which these deficiencies are prominent, and for gastro-intestinal disturbances associated with anaemia and chloro-

sis; \* \* \* (6) A remedy the action of which is to restore the blood and the tissues through which it circulates to their normal condition. (signed) W. H. Morse, Consulting Chemist." (page 3) "My remedy cured a case of kidney trouble in my own family \* \* \* I have known it tried \* \* \* for puerperal fever \* \* \* and it cured \* \* \* I have seen two ladies suffering with cancer of the womb (and know of a third) and have seen them perfectly cured, after having used my remedy and wash for about a year." (page 4) "It will absolutely cure blood poison." (page 8) "Stomach Trouble Cured." (page 9) "Indigestion and nervousness permanently cured." "Indigestion and Inflammation of the Stomach Cured." (page 12) "Blood poison. One of the most wonderful cures." (page 13) "Fearful Blood Poison Cured." (page 16) "Poison from Impure Virus Cured." (page 17) "Eczema Cured." "Blood Poison From Cat Bite. \* \* \* soon well again." (page 18) "Mrs. Joe Person's Remedy A Sure Cure for Eczema." (page 19) "Malaria \* \* \* Chills and Fever \* \* \* a complete cure." (page 21) "Rheumatism cured." (page 24) "Carbuncles Cured." (page 26) "Erysipelas \* \* \* cured." (page 28) "Marvelous cures made by Mrs. Joe Person's Remedy." (page 29) "Enlarged Glands of the Neck Cured." (page 30) "Pellagra Cured."

Misbranding was alleged in the libel for the reason that said article of medicine, known as "Mrs. Joe Person's Remedy," consisted of a slightly sweetened hydroalcoholic solution of vegetable drugs; podophyllin and sarsaparilla indicated; alkaloids, minute trace; and was analyzed as follows: Alcohol by volume, 25.33 per cent; sugars, 1.35 grams per 100 cc; total nonvolatile matter, 2.09 grams per 100 cc; no iodid nor salicylate; trace of chlorid, phosphate, and calcium; ash, 0.1 per cent; and contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed upon the packages, cartons, bottles, and booklets; further, in that said words and figures so declared, marked, and printed in and upon the said retail packages, bottles, cartons, and booklets were misleading, false, and fraudulent, and the article of medicine was misbranded regarding the curative or therapeutic effects of such article or any of the ingredients or substances contained therein, within the meaning of the act of Congress, approved on the thirtieth day of June, 1906, as amended by the act of Congress approved on the twenty-third day of August, 1912.

On January 26, 1915, the Mrs. Joe Person's Remedy Co., a corporation, Kittrell, N. C., claimant, having filed its answer to the libel, in which it neither admitted nor denied the truth of the material allegations in the libel, and it appearing to the court that said claimant had executed the bond in the sum of \$200, in conformity with section 10 of the act, it was ordered that the product should be turned over and delivered to said claimant company upon payment of the costs of the proceedings.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., April 19, 1915.



**3746. Adulteration and misbranding of gelatin. U. S. v. 5 Barrels of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5997. I. S. Nos. 11326-k, 11327-k, 11328-k, 11329-k, 11330-k. S. No. C-93.)**

On October 12, 1914, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels of gelatin, remaining unsold in the original unbroken packages at St. Paul, Minn., alleging that the product had been shipped on September 18, 1914, by Hirsh, Stein & Co., Hammond, Ind., and transported from the State of Indiana into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the barrels bore a number, and upon the head of each barrel were the following stencil marks, respectively, "488 pounds," "500 pounds," "501 pounds," "493 pounds," "485 pounds," "XXX Purity Gelatine," and on a shipping tag on each of the barrels was the following: "Sanitary Food Manufacturing Company, Minnesota Transfer, Trap Car, Soo Line, Minnesota, From Hirsh-Stein Co., Glue, Gelatine and Fertilizer, Hammond, Indiana."

Adulteration of the product was alleged in the libel for the reason that it contained added poisonous or deleterious ingredients which might render it injurious to the health; that is to say, that said gelatin contained 12 parts per million arsenic, 64 jelly strength,<sup>1</sup> 1,896, 1,948, 2,001, 1,776, and 1,771 parts per million zinc, respectively, and 3.97, 4.19, 4.09, 4.01, and 3.88 per cent ash. Misbranding was alleged, for the reason that said article, which in fact contained the hereinbefore named ingredients in the amounts respectively stated, was an imitation of and offered for sale under the distinctive name of another article, to wit, gelatin.

On November 9, 1914, the said Hirsh, Stein & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon the payment of all costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 19, 1915.*

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<sup>1</sup> When this case was reported for action the Department of Agriculture referred to the low jelly strength and high ash solely to indicate the presence of glue in the product.



**3747. Adulteration and misbranding of evaporated apples. U. S. v. 19 Boxes of Evaporated Apples. Default decree of condemnation and forfeiture. Product ordered sold.**  
(F. & D. No. 5998. I. S. No. 11515-k. S. No. C-95.)

On or about October 16, 1914, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 boxes of evaporated apples, remaining unsold in the original unbroken packages at Muskogee, Okla., alleging that the product had been shipped on or about August 21, 1914, and transported from the State of Arkansas into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "New Crop Ulster Brand, evaporated apples, fifty pounds net weight when packed, bleached with sulphur, contains one-tenth of one per cent. of benzoate of soda, prepared with salt in solution."

It was alleged in the libel that the article of food was misbranded, in that the label on each box of apples was false and misleading by reason of the following statement, "New Crop Ulster Brand, evaporated apples, fifty pounds net weight when packed," when, in truth and in fact, each of said boxes of apples contained 36 per cent moisture product, and was therefore adulterated in that evaporated apples had been substituted wholly or in part by a product containing an excessive amount of moisture, in violation of section 7, paragraph 2, of said act.

On January 14, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 19, 1915.*

3748. Adulteration of evaporated apples. U. S. v. 35 Boxes \* \* \* Evaporated Apples. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5999. I. S. No. 11010-k. S. No. C-97.)

On or about October 19, 1914, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 boxes, more or less, each containing 50 pounds of evaporated apples, remaining unsold in the original unbroken packages at Oklahoma City, Okla., alleging that the product had been shipped on or about August 31, 1914, and transported from the State of Arkansas into the State of Oklahoma and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Our Best quality Sliced Evaporated Apples."

Adulteration of the product was alleged in the libel for the reason that each of the boxes contained evaporated apples which contained and consisted of 35.7 per cent moisture <sup>1</sup> and therefore contained a substance substituted in part for said article.

On November 28, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal at public sale and that the purchaser thereof be required to execute a bond in the sum of \$300, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 19, 1915.*

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<sup>1</sup> Evaporated apples should contain not more than 27 per cent of moisture, determined by the usual commercial method of drying for four hours at the temperature of boiling water.

**3749. Adulteration and misbranding of evaporated apples. U. S. v. 18 Boxes of Evaporated Apples. Default decree of condemnation and forfeiture. Product ordered sold.**  
(F. & D. No. 6000. I. S. No. 11513-k. S. No. C-94.)

On October 15, 1914, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 18 boxes, each containing 50 cartons of evaporated apples, remaining unsold in the original unbroken packages at Muskogee, Okla., alleging that the product had been shipped on or about October 3, 1914, and transported from the State of Arkansas into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On boxes) "Fifty No. 12 carton, Ozark Brand evaporated apples." (On cartons) "This carton contains not less than one-fourth pints Ozark evaporated apples, the sulphur dioxide process by which these apples are bleached and cured add to the keeping quality, preserved with 1/1000 sodium benzoate."

It was alleged in the libel that the article of food was misbranded, in that the label on each box and carton of apples was false and misleading by reason of the following statements, respectively: "Fifty No. 12 cartons Ozark Brand evaporated apples," and "This carton contains not less than one-fourth pints Ozark evaporated apples," when, in truth and in fact, each of said boxes and cartons of apples contained 33 per cent moisture product, and was therefore adulterated in that evaporated apples had been substituted wholly or in part by a product containing an excessive amount of moisture, in violation of section 7, paragraph 2, of said act.

On January 14, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 19, 1915*

**3750. Adulteration and misbranding of so-called evaporated apples. U. S. v. 175 Boxes and 50 Boxes \* \* \* of So-Called Evaporated Apples. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6001. I. S. No. 12728-k. S. No. C-98.)**

On or about October 15, 1914, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 175 boxes, each containing 50 pounds, and 50 boxes, each containing 25 pounds, of so-called evaporated apples, remaining unsold in the original unbroken packages at Leavenworth, Kans., alleging that the product had been shipped, on or about September 23, 1914, by A. C. Hamilton & Co., Fayetteville, Ark., and transported from the State of Arkansas into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The 50-pound boxes were labeled: "Evaporated Apples, 50 lbs. net. New Crop. Ulster Brand, Packed by A. C. Hamilton & Co., Fayetteville, Arkansas. Bleached with sulphur. Preserved with benzoate of soda. Prepared with salt in solution." The 25-pound boxes were labeled: "Evaporated Apples, 25 lbs. net. New Crop. Ulster Brand, Packed by A. C. Hamilton & Co., Fayetteville, Arkansas. Bleached with sulphur. Preserved with benzoate of soda. Prepared with salt in solution."

Adulteration of the product was alleged in the libels for the reason that said apples contained 33.6 per cent moisture<sup>1</sup> [and 15 per cent water product (?)], so packed with said so-called evaporated apples in such manner as to reduce or injuriously affect their quality and strength. It was further alleged in the libels that the product was misbranded in that on each box was attached a brand or label in the words and figures as set forth above, and said labels were misleading and false and calculated to induce the purchaser to believe that said so-called evaporated apples were pure and in fact evaporated apples, when, in truth and in fact, said apples were adulterated as hereinbefore set forth, and that by reason of said false and misleading brands or labels said boxes and the contents thereof were subject to seizure and confiscation under section 10 of the Food and Drugs Act of June 30, 1906.

On December 2, 1914, the cases having come on for hearing and the court having considered the pleadings and evidence, judgments of condemnation and forfeiture were entered, and it was ordered by the court that, upon payment of all the costs of the proceedings, and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, one of the conditions of the bond being that the product should be immediately relabeled and correctly branded, said product should be released. On the same date, the said A. C. Hamilton & Co., Fayetteville, Ark., having complied with the terms of the decree, the product was thereupon released to said claimant company.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., April 24, 1915.

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<sup>1</sup> Evaporated apples should not contain more than 27 per cent of moisture, determined by the usual commercial method of drying for four hours at the temperature of boiling water.



# INDEX TO NOTICES OF JUDGMENT 3701 TO 3750.

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Anise cordial. <i>See</i> Cordial.		
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